

LAWS

OF THE

STATE OF INDIANA,

PASSED AND PUBLISHED AT THE FOURTEENTH SESSION

OF THE

GENERAL ASSEMBLY,

HELD AT INDIANAPOLIS,

ON THE FIRST MONDAY IN DECEMBER, ONE THOUSAND EIGHT
HUNDRED AND TWENTY-NINE.

BY AUTHORITY.

INDIANAPOLIS, IND.

SMITH AND BOLTON, STATE PRINTERS.

1830

1830.

LAWS
OF THE
STATE OF INDIANA.

CHAPTER I.

An act making General Appropriations for the year 1830.

[APPROVED, JANUARY 28, 1830.]

Be it enacted by the General Assembly of the state Legislative
of Indiana, That there be appropriated for the expenses
of the present general assembly, including the pay of
members, secretaries, clerks, sergeant at arms, door-keep-
ers, stationery, fuel, printing, binding and distributing
the laws and journals, and making marginal notes and
index to the laws, together with all other expenses in-
cident to the present session, the sum of fifteen thousand
five hundred dollars.

For the executive department, the sum of two thou- Executive
sand two hundred dollars.

For the judiciary department, the sum of eleven thou- Judiciary
sand two hundred dollars.

For the agent of Indianapolis, the sum of two hundred Indianapolis
dollars.

For military expenses, one hundred and fifty dollars. Military.

For defraying the contingent expenses of the year Contingent.
1830, the sum of eight hundred dollars.

For the payment of wolf scalps, the sum of six hun- Wolf scalps.
dred dollars.

For the penitentiary, in transporting convicts the sum Penitentiary
of six hundred dollars.

For the payment of specific allowances contained in an Specific.
act making specific appropriations for the year 1830,
which are not embraced in the preceding general appro-
priations, two thousand dollars.

For the payment of specific appropriations on the Wa- Canal.
bash and Miami canal, the sum of four thousand dollars.

This act to be in force from and after its passage.

CHAPTER II.

An act making Specific Appropriations for the year 1830.

[APPROVED, JANUARY 30, 1830.]

Legislative.

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the principal and assistant secretaries of the senate, and the principal and assistant clerks of the house of representatives, shall severally be allowed the sum of three dollars and fifty cents per day; and the enrolling secretary of the senate, and the enrolling clerk of the house of representatives, the sum of three dollars and fifty cents per day, for each and every day they may have served as such during the present session; the door-keeper of the senate, and the door-keeper of the house of representatives, the sum of two dollars and fifty cents per day, for each and every day they may have served as such during the present session.

Warner.

That Joseph Warner be allowed the sum of twenty dollars, for services as a commissioner appointed under an act, authorizing the writ of *quo warranto*, against the bank of Vincennes.

Hamiltons.

That Messrs. James and Alexander Hamilton be allowed the sum of eighty-five cents per day, for fuel furnished the two houses of the general assembly during the present session.

Westfall.

That Abraham Westfall be allowed the sum of twenty dollars sixty-six and one half cents, the amount of delinquencies which he omitted to charge the state with, when rendering his account to the treasurer of state.

Devin.

That James Devin be allowed the sum of twelve dollars and twenty-six cents, for two thousand and sixty acres of second rate land, which he was improperly charged with, and which sum he has paid to the state treasurer.

Cox.

That Nathaniel Cox be allowed the sum of sixteen dollars and fifty cents, for services rendered as commissioner appointed by Alexander Ralston, to explore White river.

Cammins.

That Thomas Cammins be allowed the sum of three dollars and seventy-five cents, for services rendered the state as coroner, appointed by the Governor, to serve process against the collector of Wayne county.

Scott.

That John Scott be allowed the sum of fourteen dollars, for attending as witness on behalf of the state, in the case of the State *vs.* the Collector of Wayne.

Stewart.

That Thomas C. Stewart be allowed the sum of eight dollars, for taking the census of Pike county, in the year 1820.

Conner & Co.

That Conner and Harrison be allowed the sum of

twenty-five dollars eighty-seven and a half cents, for stationary furnished the legislature.

That the secretary of state, be allowed the sum of one hundred and twenty-five dollars, for copying the laws of the present session, for superintending the printing, making marginal notes and index to the same, and preparing the laws and journals for distribution. Secretary of State.

That Ross Smiley be allowed one dollar sixty-two and a half cents, for postage paid by him on communications directed to the speaker of the house of representatives. Smiley.

That Samuel Duke be allowed the sum of fifteen dollars and fifty cents, for making and repairing desks for the use of the general assembly. Duke.

That William H. Morrison be allowed at the rate of three dollars and fifty cents per day, for assisting in the enrolling during the present session. Morrison.

That Noah Noble be allowed the sum of twenty dollars, for a case, scale and weights for the office of the treasurer of state. Noble.

That Solomon Green be allowed thirteen dollars and fifty cents, for assisting in reclaiming Nathan Baker, a fugitive from justice. Green.

That Jesse Wright be allowed thirty-nine dollars and fifty cents, monies paid out by him in reclaiming Nathan Baker, a fugitive from justice. Wright.

That James Ball be allowed seventy-five cents, for repairs to the state house. Ball.

That John H. Farnham be allowed six dollars, for interest on treasury notes by him paid into the state treasury, on the eighth day of January 1825. Farnham.

That M'Carty and Williams be allowed thirty-six dollars, eighty-three and a half cents, for stationary furnished the present general assembly. M'Carty & Williams.

That Isaac N. Phipps be allowed five dollars, for articles furnished the present general assembly. Phipps.

That Andrew Davidson, attorney at law, be allowed ten dollars for professional services, rendered for the benefit of the state, in attending to two trials of the right of property, in Decatur county. Davidson.

That Samuel Merrill be allowed twenty three dollars sixty-two and a half cents, for his expenses in travelling to purchase stationary, repairs on the governor's house and other disbursements by him made for the state. Merrill.

That Charles I. Battell, be allowed nineteen dollars thirty-five and a half cents, for services by him rendered the state, as an attorney at law, and for costs by him paid in a suit of the state against P. Barbre. Battell.

That John Spencer collector of the state revenue for Dearborn county for the year 1829, be credited on the books of the treasury, with the sum of sixty dollars and

seventy-six cents; being the amount of five per cent. by him forfeited, in not making payment within the limited time.

Sloan. That Andrew Sloan be allowed five dollars and eighty cents, for glazing done on the state house.

Gregg. That Harvey Gregg be allowed twelve dollars and fifty cents, for furnishing from the records of the Federal district court, a list of actions brought against trespassers on United States lands, &c.

Governor. That two hundred dollars be and is hereby appropriated for house rent for the governor the ensuing year.

Witnesses in
Lowe's case. That Jonathan Nicholls, William D. McCullough, James Alexander, William Alexander, Elisha Pollard, William Roseberry, James Whitcomb, Daniel J. Walker, Alexander Owens, Granville Ward, David Killough, James Mitchell, John Owens and Peter Bullerton, be allowed six dollars each for their attendance as witnesses, before the judiciary committee, on an enquiry into certain charges against Jacob B. Lowe, clerk of the Monroe circuit court, on behalf of the state. And that Jesse Wright, William Lowe, Joseph A. Wright, Joseph Baugh, George H. Johnston, Craven P. Hester, George W. Hardin, John W. Lee, Richard Hardesty, John M. Dunning, and Benjamin Parks, be allowed six dollars, each, for their attendance as witnesses on behalf of the said Jacob B. Lowe; and that John M. Young, be allowed five dollars for the same; and that John Matlock be allowed three dollars for the same.

Luse. That F. T. Luse be allowed two dollars twelve and a half cents for repairs done senate chamber and furniture.

Grace. That Jesse Grace be allowed the sum of seven dollars for chairs for the use of the senate.

Comingo. That John Comingo be allowed two dollars for bench for the senate chamber.

Sharpe. That E. Sharpe agent of the state for the town of Indianapolis, be allowed six dollars six and one fourth cents, for money paid by him to the editors of the Gazette and Journal, for advertising forfeited lots in the year 1829, and for furnishing rails, and fencing the Governor's Circle.

Ball. That James Ball be allowed four dollars and fifty cents, for brooms, brick work, materials for ink, candle snuffers for senate chamber, and extra work performed as door-keeper.

Smith. That Carey Smith be allowed for blacksmith work, and coal, thirty-seven and a half cents.

Johnson. That John Johnson be allowed seventy-five cents, for candlesticks furnished for the senate chamber.

Wright. That Levi Wright be allowed the sum of six dollars, for transportation of laws and journals of the last session.

directed to Washington county from New Albany to the clerk's office in said county, under the order of the secretary of state.

That the sergeant-at-arms be allowed the sum of three dollars and fifty cents *per diem*. Serg't. at arms.

That twenty-four dollars and twenty-five cents, be allowed James B. Slaughter, for the purpose of paying the funeral expenses of the late senator Daniel C. Lane. Slaughter.

That the sum of one dollar and forty cents, be allowed Samuel Hall, for postage paid by him in soliciting a copy of the address on education, delivered by the Reverend Mr. Wiley. Hall.

That two dollars be allowed Henry Bradley, for swearing witnesses two days, before the judiciary committee on the case of the charge against Jacob Lowe at present session. Bradley.

This act to be in force, from and after its passage.

CHAPTER III.

An act authorizing Asylums for the Poor in the counties of Washington and Dearborn.

[APPROVED, JANUARY 29, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the boards of justices of the counties of Washington and Dearborn, whenever they shall deem it advisable, shall purchase and hold a tract of land, in the name of the county, and erect building thereon for the accommodation of the poor, as to them may appear expedient and proper; and in order that the same may be effected, the board of justices shall have power, from time to time, to assess on property liable to be assessed for raising a county revenue, to an amount sufficient to carry this act into complete effect. Powers of Boards of Justices.

SEC. 2. That so soon as the necessary provisions may be made by the erection of the proper buildings, the said board shall order and direct that all persons who have become a permanent charge as paupers, on their respective counties, be removed to said asylum, and shall take such measures for the employment and support of such paupers, as they may deem advisable. Paupers how disposed of.

SEC. 3. That in order to aid in the support and employment of the poor, at such asylums, they are hereby authorized to appoint two or more directors to manage such institution, under such regulations as said boards may appoint. Directors appointed.

SEC. 4. That whenever such establishment may be arranged and put in operation as aforesaid, the overseers of Duty of overseers of poor.

Powers of
Directors.

the poor, shall, from time to time, as persons may become permanent charges, as paupers, have such persons removed to said asylum: and the directors of such asylum shall have all powers granted by the several acts now in force, to the overseers of the poor, so far as the same may be necessary and expedient, and shall, from time to time, as they may be directed by said boards of justices, report to them concerning said asylum.

CHAPTER IV.

An act to amend the act, entitled "an act for the Relief of the Poor," approved, January 30, 1824.

[APPROVED, JANUARY 25, 1830.]

WHEREAS the county of Floyd, for the better support and good government of such persons as have or may become chargeable upon it as paupers, has erected in the town of New Albany, an asylum for the poor: Therefore,

Power of
board of jus-
tices.

Proviso.

Duty of over-
seers of poor.

Superintend-
ents duty.

His allowance

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the board of justices for said county, are hereby empowered to remove to said asylum, when they shall deem it expedient, all such paupers as have, or hereafter may become chargeable upon said county, to provide for them at said asylum, necessary food and clothing, and to require them to perform such labor, and submit to such discipline, as shall be proper and reasonable: *Provided, however*, That male paupers, under the age of twenty-one years, and females under the age of eighteen years, shall not be removed to, or kept at said asylum, if the overseers of the poor in their respective townships, can bind them out as apprentices. And it shall be the duty of the overseers of the poor, in the several townships of said county, to report, from time to time, to said board of justices, the names of all persons in their townships, who may be entitled to receive support or assistance, as paupers.

SEC. 2. Said board of justices, shall, on the first Monday of March next, and on the first Monday of January annually, and also in case of a vacancy at the first meeting of the board subsequent thereto, appoint a superintendent of said asylum, whose duty it shall be to receive all paupers said board of justices shall direct to be admitted to said asylum, and to provide for them such support and employment, and to conduct said establishment under such regulations as said board of justices shall, from time to time, prescribe, and he shall receive for his personal services, and for the maintenance of all paupers under his charge, such allow-

ance, as said board of justices shall specially contract to pay him, or in case there be no special contract, such as may be reasonable.

SEC. 3. Said board of justices, shall, on the first Monday of January and June in each year, appoint some proper person, whose duty it shall be, carefully to enquire into the condition and management of said asylum, and to report thereon to the next meeting of said board of justices.

SEC. 4. All expenses accruing on account of said asylum, shall be ascertained by said board of justices, and paid out of the treasury of said Floyd county.

This act shall be in force from the date of its passage.

CHAPTER V.

An act concerning the Farmer's and Mechanic's Bank of Indiana.

[APPROVED, DECEMBER 31, 1829.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the present stockholders of the Farmer's and Mechanic's bank of Indiana, may, on the first Monday of January next, and on the first Monday in January annually thereafter, meet at their office in the town of Madison, and choose amongst themselves five Directors: who may, on the next day thereafter, meet at the same place, and elect one of their own body President; and the President and Directors, so elected, shall continue in office one year, and until their successors in office shall be elected and ready to take upon themselves the duties of their office: *Provided, however*, said stockholders, in voting for directors, shall vote according to the number of shares they may severally own of the stock of said institution, agreeably to the provisions of the act of incorporation of said bank: *And provided also*, That it shall require a majority of the voters present to elect.

SEC. 2. That the President and Directors, thus elected, shall be able and capable, in law and equity, by and under the said corporate name of "The President and Directors of the Farmer's and Mechanic's Bank of Indiana," to sue and be sued, plead and be impleaded, in any of the courts of this state, and shall, in such name and capacity, manage the concerns of said institution, and collect all debts now due to the President and Directors of the Farmer's and Mechanic's bank of Indiana, in any way whatever, either upon contracts made or business done, at their office of discount and deposit in Lawrenceburgh or Madison, or elsewhere; and when collected, pay the same over to the

creditors of the institution; and also prosecute and defend all, and all manner of suit, both in law and equity, now pending, either in favor of or against said institution; and superintend, transact and carry on the business; and finally, at the end of their existence, as a legal, corporate and politic body, under the act of their incorporation, settle up the concerns of said company, agreeably to the provisions of the said act of their incorporation; and in transacting their business, a majority of their numbers shall govern and act for the whole of said institution.

Former powers continued- SEC. 3. All the privileges and franchises, heretofore granted to the President and Shareholders of said bank, by the said act by which they were incorporated, and the acts amendatory and supplementary thereto, be and the same are hereby continued and vested in the present shareholders and their assigns, in the same restrictions and limitations contained in said acts.

Further powers. SEC. 4. If the said shareholders should, at any time, fail to elect directors, or the directors, when elected, fail to elect a President, on the day named in this act, it shall be lawful for the said shareholders, or directors, (as the case may be) to hold such election on any subsequent day; and the President and Directors elected under the provisions of this act, shall have power to fill all vacancies that may occur in their body, in vacation: *Provided, however,* That nothing in this act contained shall be so construed, as to interfere in any manner with vested rights; nor shall the franchises herein granted extend to a period beyond the limits of the charter of said institution, which will expire on the first day of January, 1835.

Proviso. SEC. 5. All acts and parts of acts, coming within the purview of this act, be and the same are hereby repealed; and this act shall be, and the same is hereby declared a general law; and shall be taken notice of by courts of justice, and all others concerned accordingly; and shall take effect and be in force from and after its passage.

General law-

CHAPTER VI.

An act to authorize the building of Bridges across Lick creek and Salt creek.

[APPROVED, JANUARY 29, 1830.]

Appropriations. SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the sum of one hundred and fifty dollars, be appropriated to the building of a bridge across Lick creek, on the state road from the Horse Shoe bend to Indianapolis; and that the sum of two hundred and forty-nine dollars, be appropriated, to building a bridge across

Salt creek in Lawrence county, where the road from Bedford to Indianapolis now crosses said creek; the appropriation to be out of the money hereafter appropriated to said road, and out of the money now in the hands of the former commissioner Samuel Chambers; this being money retained by the commissioner on said road, as money due to Lawrence and Orange counties: *Provided,* That the bridge over Salt creek, shall be built high enough for Orleans boats to pass under the same.

SEC. 2. That James Clark of Orange county, be appointed a commissioner, to let out and superintend the building of said bridge across Lick creek in Orange county, in the best manner, for the public good. Commissioner appointed in Orange.

SEC. 3. It is hereby made the duty of the board of justices of Lawrence county, to appoint some suitable person, a commissioner to let out and superintend the building of said bridge across Salt creek, at the place named, in the first section of this act, in the best manner for the public good. County board of Lawrence to appoint the other.

SEC. 4. The commissioners appointed by the provisions of this act, shall call on Samuel Chambers, for the different sums hereby appropriated; the commissioner in Orange county for one hundred and fifty dollars; and the commissioner in Lawrence county for two hundred and forty-nine dollars; and the receipts of said commissioners shall be good vouchers for said Chambers, to the agent of the three per cent. fund, for settlement with said agent. The clerks of the circuit courts of Lawrence and Orange counties, shall take bond and sufficient security, of the commissioners appointed by this act, for the faithful distribution of the money hereby appropriated; and if the first commissioners appointed by this act, should fail to serve, from any cause whatever, it shall be the duty of the board of justices to fill such vacancy. Commissioner to draw on Chambers.

This act to be in force from and after its passage.

CHAPTER VII.

An act for the Appropriation of Money to aid in building a Bridge over Plumb creek.

[APPROVED, JANUARY 25, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the sum of three hundred dollars, be, Appropriation and the same is hereby appropriated, to be paid out of the three per cent. fund, to be applied towards building a bridge over Plumb creek, in the county of Switzerland, on the state road leading from Madison, by the way of Vevay

Provido. and Rising Sun, to Lawrenceburgh: *Provided, however,* that said money shall not be drawn until said bridge is completed.

Commissioner appointed. SEC. 2. That Newton H. Tapp of the county of Switzerland, be, and he is hereby appointed, a commissioner to draw said money, and superintend the building such bridge, and to do such acts as are provided for by this act.

Commissioner's duty. SEC. 3. It shall be the duty of said commissioner, to give bond in the penal sum of one thousand dollars, to be approved by the board doing county business for the county of Switzerland, conditioned for the faithful discharge of the duties assigned him by law, and for the faithful accounting for, and paying over to all persons, to whom the same may become due, all monies that may come into his hands as such officer. He shall also be sworn to a faithful discharge of his duties.

Further duty. SEC. 4. It shall be the duty of such commissioner, to procure by subscription, all the money that he can, for the purpose of constructing such bridge, and to employ by contract or otherwise, as to him may seem best, any person or persons, to build the whole or any part of said bridge; he shall be allowed one dollar per day, for each day, he shall be necessarily employed in such business.

His wages. SEC. 5. It shall be the duty of such commissioner, to keep an exact account of all receipts and expenditures, and of all time by him necessarily spent about such business, and a true copy of the same to file with the clerk of the court of the county of Switzerland, once in six months.

Account to be kept. SEC. 6. If there should be a vacancy in the office of such commissioner, by death, resignation or otherwise, it shall be the duty of the board doing county business in the county of Switzerland, to fill such vacancy from time to time, and such successor or successors, shall give like bond, and take oath as is provided in the third section of this act.

Vacancy how filled. SEC. 7. It shall be the duty of such commissioner, to pay over to his successor in office, all monies in his hands, and to deliver over to his successor in office, all papers, vouchers and other things, of which he may have become possessed, by virtue of his office.

Commissioner to pay over.

CHAPTER VIII.

An act providing means to construct the portion of the Wabash and Erie Canal within the State of Indiana.

[APPROVED, JANUARY 28, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the board of commissioners of the Wabash and Erie canal, shall continue to consist of three members, to be appointed by joint ballot of the general assembly, to hold their respective offices three years, subject to removal by joint resolution of the senate and house of representatives; and any vacancy in said board, happening in recess, shall be filled by appointment of the governor, until the end of the next ensuing session of the legislature, at which it shall be filled as above.— Each of such commissioners, shall, before entering upon his duties, take an oath, well and faithfully to execute the same; which, together with a penal bond, of like amount, condition and operation as required by an act, entitled "an act, concerning the Wabash and Miami canal,"—approved, January 23d, 1829, shall be filed in the office of the secretary of state, and which bond shall be renewed, with additional security, when required by the treasurer of state, or a majority of the board of which he is a member; a failure to do which, shall forfeit the said office.

Board of commissioners elected and vacancy how filled.

Commissioners bond and oath.

SEC. 2. That the said board of commissioners, shall have the general superintendence of the land accruing to this state, under an act of congress of March 2d, 1827, selected under our act above named, of January 23, 1829; and a majority of the board, shall form a quorum for the transaction of business; and they shall meet and adjourn from time to time, at any time and place they think proper, and may employ such aid, as may be necessary to enable them to discharge the duties imposed by this act.

Powers of the board.

SEC. 3. The various duties of the said board, shall be by them jointly determined, but the execution thereof shall distinctly devolve upon the members, respectively assigned to each trust, by the board, to wit: A commissioner of the canal fund, to be so designated, who shall receive, pay over, and account for all monies to be controlled by said board, for the canal purposes, under such regulations and restrictions, as the board may deem proper, to secure the faithful application of the money, and [in] a correct manner, by suitable entries of receipts and expenditures, of accounting for all sums so received, in conformity with the forms of obligations, and certificates, hereinafter provided to be furnished by

Duties of board.

the auditor of state: A commissioner of contracts, who shall make a sale of the lands, as hereinafter provided, keeping a record thereof, and superintend the execution of all contracts entered into, by and with the board; and a commissioner of account, who shall record all the proceedings, preserve the vouchers and documents, and conduct the correspondence of the board: *Provided*, that the duties of those designated commissioners, may be temporarily transferred to each other by the board; and a quarterly report of their contracts and accounts, shall be transmitted by them to the auditor of public accounts, and an annual report of all their proceedings, contracts and accounts, to the general assembly, by the second Monday in December.

Sales continued.

Notice and sale of land.

SEC. 4. That the said board is hereby authorised and directed, to finally adjust with the general government, the selection of the lands accruing to the state by the act of congress, above named, and to subdivide the same, if not done previously by the United States, by quarter sections and fractions. They shall proclaim a sale thereof, in half quarter sections, by three months notice in the State Gazette and Indiana Journal, newspapers in this state, in the National Intelligencer, the United States Telegraph, in one paper in the cities of Boston, Albany, New-York, Rochester and Buffalo; Philadelphia, Harrisburgh and Pittsburgh, Pa. and Richmond, Virginia; and in one of each of the states of Vermont, Connecticut, Rhode-Island, New-Jersey, Delaware, North and South Carolina, and in four papers in Ohio, two in Kentucky and two in Tennessee; which sale shall take place on the first Monday in October next, at such place, on or near the line of the canal, as they may select. In all cases, when the commissioners superintending the sale, become satisfied of the existence of a combination between purchasers, to cause any tract or tracts to sell for a less price than would otherwise be obtained; authority is hereby given to said commissioners, to bid off all such tracts, on behalf of the state, and to note the same when advertising the next semi-annual sale, as particularly worthy of public attention, and again offer all such to purchasers as before.

Reservations.

SEC. 5. That the said board, previous to such sale, shall select and reserve a sufficient quantity of land, at appropriate sites, and in suitable tracts, for timber, stone, or other materials for the canal, and for the proper location of locks; and a general reservation shall be made, on the north and south sides of the Wabash river, from the mouth of Eel river, to the probable southern termination of the canal, in all lands sold, of a right to enter thereon, and construct the canal, as may be here-

after deemed expedient by the general assembly; and they shall reserve to the state of Indiana, all benefit of water power created by the construction of the canal.

SEC. 6. That the said sale shall continue from day to day, until the whole shall have been offered, except as above reserved; And a list and corrected plat of each day's sale, shall be kept up, and all forfeited lands hereinafter mentioned, and all lands not before sold, except reserves, shall be re-exposed to sale, on four weeks notice in the newspapers printed at Indianapolis, semi-annually, after the first sale; which sales shall all be made by public out-cry, to the highest bidder, on these terms, to wit: One fourth of the purchase money, with one year's interest on the residue, to be paid in advance at the time of purchase, and the said residue, on or before the expiration of seventeen years from the first Monday in October next, at six per cent. interest on the amount thereof, payable annually in advance; and a failure to pay such interest, or the residue of said principal, in twenty days after the same becomes due, shall forfeit to the state, for the benefit of said canal, the said tract and all claim thereon; and if any purchaser, before forfeiture, shall commit unnecessary waste upon any tract not paid out, or shall injure, destroy, or carry away any stone or timber therefrom, beyond the value of the amount of purchase money by him paid, he or they so offending, shall be subject to an action at law, for damages, to said commissioners; and the certificate of the proper commissioner, of any forfeiture, shall authorise the sheriff of the proper county, with a *posse comitatus*, to give such board possession of such forfeited land, on behalf of the state. And pursuant to the condition of the grant of said land by congress, and for the full security of purchasers, of any part thereof under this act, it is hereby expressly covenanted, on behalf of the state of Indiana, that the said land so received by donation, the principal, interest, and all avails arising therefrom, including all tolls and water privileges reserved, shall be, and the same are hereby irrevocably pledged, for the commencement of the said canal, within the limit fixed by congress, and for the purpose of constructing and completing the same, and for no other purpose whatever. And for the further security of purchasers, in the most speedy creation of the canal fund, and for their encouragement to prompt compliance, it is covenanted also, that all lands of the grant in any way forfeited, shall be re-sold as above, in strict adherence to the original terms, without let or stay, extent of time, or subsequent relief of any kind whatever: *Provided, however*, that no state of any part of said lands donated to Indiana, as

Sale continued.

Terms of sale.

Forfeiture.

Waste.

Pledges to purchasers.

Proviso.

aforesaid, shall, at any time, be made, or take effect, at a less price per acre, than is required for congress lands at the time of such sale.

Certificate to purchasers. SEC. 7. Upon the receipt of the money due, at the purchase of any tract of land, a certificate shall be given to the purchaser by the board, specifying the tract sold, amount paid and the balance due; of which, a similar entry shall be made in a book to be kept for that purpose, and they shall quarterly transmit to the treasurer of state, a true copy of each such entry, to be entered by him in books kept for that purpose, and also, of each future payment upon any such tract; and upon complete payment being made for any tract, a final certificate shall be given by the commissioners to the purchaser, his heirs, or assigns, which, when countersigned by the treasurer, and filed with the secretary of state, shall entitle such person to a patent.

Patent. SEC. 8. That whenever full payment shall be made to the commissioners aforesaid, which each purchaser has at his option, from the day of sale, for any tract of land sold under this act, a patent shall issue therefor, to such purchaser, his heirs or assigns, in the name of the state, under the seal thereof, signed by the governor, and countersigned by the secretary of state, for which service the patentee shall pay the secretary of state one dollar.

Secretary's fee. SEC. 9. The commissioners aforesaid, and the treasurer, shall each keep books of account, in which exact entries shall be made of the tracts sold, purchaser's name, principal and interest paid, distinctly; and shall each, in ninety days after each sale, transmit to the auditor of public accounts, an abstract of the entries on their books, specifying as above, and an aggregate statement of the canal fund, which shall be entered by said auditor in proper books, by him to be provided. And the treasurer and auditor, shall each transmit to the general assembly annually, within the time limited to said board, a detailed report from their books, of the canal receipts, expenditures and operations. The auditor of public accounts, shall devise and transmit to said board, proper forms of obligations and certificates under this act, and shall, as well as the treasurer and secretary of state, keep the canal transactions in a distinct set of books; and for their services herein, the treasurer shall receive as a compensation, one hundred and fifty dollars, and the auditor, one hundred dollars, and the secretary of state, fifty dollars annually, to commence on the first day of September next. The said commissioners, shall, within thirty days after the receipt of any monies, on account of land sales under this act, pay the same to the treasurer of

Books how kept.

Abstracts.

Reports.

Forms.

Salaries of state officers.

Monies how transmitted.

state, who shall hold said money as the Erie and Wabash canal fund, subject to the general assembly, for the advancement of that work; and the additional salaries hereby provided to be paid to the auditor of public accounts, the treasurer of state, and to be paid to the secretary of state, shall be paid out of the canal funds.

SEC. 10. A complete manuscript map of the canal land, as surveyed, sold, and reserved, shall be deposited by the board of canal commissioners, as soon as practicable, after the first sale, in the office of the secretary of state, on which the reserves for the canal, shall be marked, with the boundaries of the land sold, and to whom, and the part if any remaining vacant; and a similar copy of said map, shall be by them furnished to the clerk of each county, in which the said tracts shall be situate; and each commissioner, shall receive for his services as such, two dollars for each and every day necessarily employed in performing the duties assigned by this act, payable semi-annually, hereafter, at the treasury, upon a proper voucher, sanctioned by the board, being duly procured and presented.

SEC. 11. That no canal commissioner shall ever be in any way interested, either directly or indirectly, in the purchase of more than three hundred and twenty acres of such canal lands, under the penalty of forfeiting his office; nor shall any such commissioner, hold any other office under the authority of this state, or the United States; and all persons acting under the authority of said canal commissioners, are hereby precluded from forming, or being connected with any interest in relation to said canal lands, beyond that stipulated for the members of the board.

SEC. 12. That the sum of seven hundred and forty dollars, six and a fourth cents, be, and the same is hereby appropriated, to pay the balance of expenditures of the canal commissioners, which the auditor shall audit, and the treasurer pay out of any monies in the treasury of state, not otherwise appropriated; and which said sum, and all other monies, by this act appropriated, or heretofore appropriated, and paid out of the state treasury on account of said canal, shall be refunded to the state of Indiana, out of the first monies arising from the sales of the canal lands.

SEC. 13. It is hereby made the further duty of the board of canal commissioners, to employ an experienced engineer, of known skill and established character, to act as chief engineer of the state of Indiana, who shall continue in office during the pleasure of the general assembly, whose compensation, with all proper and necessary expenses thence accruing, shall be paid out of the ca-

Commissioners restricted.

Appropriation

Engineer and his duty.

nal fund, provided for by this act. Said engineer shall, during the present year, with such assistants as he may deem necessary, proceed to examine, determine upon, and prepare for contract, the most eligible line of the summit level section of the canal aforesaid, which has been conditionally established, and report his progress to the next general assembly, during the first week thereof, with such estimates in detail, as he may have perfected to commence operations; and upon the approval of the final location to be so made by the said state engineer, the construction of said canal, shall be commenced under the direction of the general assembly, before the expiration of the time limited by the United States, when donating the lands now authorized to be sold for that purpose.

SEC. 14. That this act shall take effect, and be in force from and after its publication in the State Gazette; and all acts or parts of acts, heretofore passed, in relation to the Wabash and Erie canal, so far as the same are contravened by the provisions of this act, be and the same are hereby repealed.

CHAPTER IX.

An act to provide for taking the Enumeration of the White Male Inhabitants, above the age of twenty-one years, in this state.

[APPROVED, JANUARY 29, 1830.]

Clerks' duty
to certify.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That on or before the twenty-fifth day of November, 1830, it shall be, and hereby is made the duty of each and every clerk of the circuit court, within and for their respective counties, under the seal of their said courts, to certify to the secretary of state, the whole number of white male paupers, and insane persons, and persons exempt from a poll tax, who are not certified to the auditor of public accounts, that belong to, or are inhabitants of their several counties, together with the number furnished by the list of the collector, in pursuance of the provisions of the fifth section of this act.

Auditor's duty.

SEC. 2. It shall be, and hereby is made the duty of the auditor of public accounts, on or before the second Monday of December next, to certify to the secretary of state, the whole number of polls, returned from each county for the present year.

Secretary's
duty.

SEC. 3. That it shall be, and is hereby made the duty of the secretary of state, on the second Monday of the next session of the general assembly, to furnish the speak-

er of the house of representatives, and the president of the senate, each, for the inspection of their respective houses, with a certified statement, exhibiting the whole number returned from each county, agreeably to the provisions of this act.

SEC. 4. That if the clerk of any circuit court of this state, the auditor of public accounts, secretary of state, or collector of any county, shall refuse and neglect to discharge the duties enjoined upon them in this act, he, or they, so offending, shall forfeit and pay, for the use of the proper county seminary, the sum of fifty dollars, to be recovered by presentment or indictment in the circuit court having jurisdiction thereof, or, on motion to be made by the circuit prosecutor for the proper county.

SEC. 5. It shall be the duty of the several collectors of state and county tax, within this state, up to the twentieth day of November next, to take a list of all the free white male inhabitants, above the age of twenty-one years, that may not have been entered on his list of taxables, whether the same be subject to the payment of tax or not, and to enter their names alphabetically, in a book to be kept for that purpose; which book shall be returned by the collector, to the clerk of the circuit court of the proper county, on or before the said twentieth day of November, 1830; whose duty it shall be, forthwith to certify the whole number so returned, including those enumerated in the first section of this act, to the secretary of state; which number shall be taken as a component part of the free white male inhabitants of such county, above the age of twenty-one years. And the boards doing county business, shall allow such collectors, such compensation as they may deem reasonable, to be paid out of the county treasury of the proper county.

SEC. 6. In addition to the duties herein before required, it shall be the duty of the clerks aforesaid, forthwith after the said twentieth day of November, 1830, to make out and furnish the senator or representative of the proper county, with a certificate, certifying under his hand and seal of the circuit court, the whole number of polls, paupers, insane persons, persons exempt from a poll tax, and persons returned by the collector as aforesaid; which certificate, shall be handed over by said senator or representative, to the secretary of state, within the first week of the next session of the general assembly.

SEC. 7. In all cases where counties have territories attached thereto, or have jurisdiction over any new county, which is unorganized, it shall be the duty of the several

officers, whose services are required in the aforementioned returns, severally, to keep, make out, or transmit, as the case may be, separately, the numbers in said attached territory or new county, and be governed in all other respects by the provisions of this act.

This act to be in force, from and after the first day of May next.

CHAPTER X.

An act concerning Clerk's Offices.

[APPROVED, JANUARY, 18, 1830.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana*, That whenever the boards doing county business in any of the counties of this state, shall have erected, for the use of their proper county, a stone or brick fire proof building, for the purpose of a clerk's office for such county, it shall be the duty of the clerk of the circuit court thereof, forthwith to deposit in said building, all papers, books and records appertaining to his said office.

Sec. 2. If any clerk of the circuit court, after being furnished with a fire proof building as aforesaid, shall refuse or neglect to keep his records in such building, or to occupy the same as his office, such clerk shall, for each week he may so neglect or refuse, be fined in the sum of fifty dollars, be recovered by indictment in the circuit court of his proper county.

CHAPTER XI.

An act to attach that part of the town of Paris, which lies in Jefferson county, to the county of Jennings, and for other purposes.

[APPROVED, JANUARY 25, 1830.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana*, That all that part of the town of Paris, which is now included in Jefferson county, and is of record in said county, being a part of the north east quarter of section number four, township number four north, in range number eight east, be, and the same is hereby attached to and made a part of the county of Jennings: *Provided, however*, That nothing in this act shall be so construed, as to prevent the collector of taxes in Jefferson county, from collecting all taxes that may be now due said county, nor to affect the prosecution of any suit or

suits, either civil or criminal, now pending, to final judgment and execution, in the part so attached to the county of Jennings.

Sec. 2. That the recent survey of that part of said town of Paris, which lies in the county of Jennings, made by the county surveyor of said county, and the land marks, lines and courses designated by said surveyor in his plat thereof, are hereby ratified and confirmed: *Provided*, That the said plat, together with a plat of that part of said town, which by this law is attached to the county of Jennings, shall be recorded in the record book of said county, within six months from the passage of this act.

This act to take effect, and be in force, from and after its passage.

CHAPTER XII.

An act altering the line dividing the counties of Jefferson and Scott.

[APPROVED, JANUARY 22, 1830.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana*, That hereafter the dividing line between the counties of Jefferson and Scott, where the same runs through township three, north of range eight east, in the Jeffersonville district, shall be as follows, viz: Beginning at the south east corner of said township; thence north two miles to the line dividing sections twenty-four and twenty-five; thence west two miles to the north east corner of section twenty-seven; thence north two miles to the north east corner of section fifteen; thence west two miles to the north east corner of section seventeen; thence north one mile to the north east corner of section eight; thence west one mile to the north east corner of section seven; thence north one mile, to the township line; thence west one mile to the north west corner of said township: And that all the territory south and west of said lines, and formerly belonging to the county of Jefferson, be and the same is hereby attached to the county of Scott.

Sec. 2. That all suits, pleas, complaints, actions and proceedings in the said county of Jefferson, shall be prosecuted to final effect, and taxes now assessed shall be collected and paid over, in the same manner as though this act had not been passed.

This act to take effect and be in force from and after its passage.

CHAPTER XIII.

An act to attach certain Territory to the county of Hamilton.

[APPROVED, JANUARY 29, 1830.]

Be it enacted by the General Assembly of the state of Indiana, That all that tract of country lying north of Hamilton county, and between the same and the great Miami reservation, be and the same is hereby attached, both for civil, judicial, representative and senatorial purposes, to the county of Hamilton; and the citizens therein residing, shall be subject to all the duties, and entitled to all the privileges, of citizens of Hamilton county, until otherwise directed by law. All laws, and parts of laws, coming within the purview of this act, are hereby repealed.

CHAPTER XIV.

An act authorising a Reassessment in Gibson county.

[APPROVED, JANUARY 4, 1830.]

Be it enacted by the General Assembly of the state of Indiana, That it shall and may be lawful, for the assessor of Gibson county for the year 1830, to assess, rate and value, the lands subject to taxation in said county, without regarding the assessments, rates and valuation, heretofore made therein.

This act to take effect and be in force, from and after its passage.

CHAPTER XV.

An act to change the mode of doing County Business in the county of Delaware, and for other purposes.

[APPROVED, JANUARY 29, 1830.]

SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That the provisions of an act, entitled "an act regulating the mode of doing county business in certain counties therein named," approved, January 26, 1827, be and the same are hereby extended to the county of Delaware.

SEC. 2. That whenever the qualified voters, in any township in the county of Ripley, shall fail or refuse to

elect township officers, in their respective townships, at the time required by law, the commissioners, or board doing county business, in said county, shall be and are hereby authorized, to appoint all necessary officers for said township or townships, so failing or refusing to elect.

This act to be in force from and after its passage.

CHAPTER XVI.

An act legalizing the Proceedings of the board of Justice of Pike county.

[APPROVED, DECEMBER 28, 1829.]

Be it enacted by the General Assembly of the state of Indiana, That the proceedings of the board of justices in Pike county, in ordering a resurvey of the town of Petersburg in said county, be, and the same are hereby legalized; and the survey made by order of said board, and the boundaries and corners of lots or blocks, ascertained by said survey, are hereby established as the true corners and boundaries of lots or blocks in said town.

Survey, &c. confirmed.

This act to take effect and be in force, from and after its passage.

CHAPTER XVII.

An act authorizing the Board of Commissioners of Shelby county, to hold special sessions.

[APPROVED, JANUARY 29, 1830.]

Be it enacted by the General Assembly of the state of Indiana, That the board of commissioners of the county of Shelby, be and they are hereby authorized, to hold special sessions, for the purpose of transacting any business relative to the county seat, in settlements, with any contractor of public buildings, the agent of said town, or his successors in office, and the treasurer of said county, so far as he may be concerned in the settlement with said agent, or his successors in office.

Commissioner to settle with agent contractor, &c.

This act to take effect and be in force from and after its publication in the Indiana State Gazette.

CHAPEER XVII.

An act concerning Claims in the county of Henry.

[APPROVED, DECEMBER 30, 1829.]

County orders
how issued.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That it shall be the duty of the clerk of the circuit court of the county of Henry, whenever any person or persons, may apply to him to issue any county order, which may have been granted, either by the circuit court or board doing county business, previous to the first day of October last, that before issuing the same, he shall require such person or persons so applying, to make oath that such county order has never been issued for his benefit.

When to be
issued.

SEC. 2. That it shall be lawful, for all and every person or persons, having claims against the said county of Henry, which shall have been allowed him, her, or them, by the circuit court, or court doing county business in said county, previous to the said first day of October last, to apply to the said clerk, on or before the first day of October next, to issue the same, otherwise the same shall be considered as issued and paid.

This act to take effect and be in force from and after its passage.

CHAPTER XIX.

An act providing for taking a list of the taxable property and polls in Vermillion county, and for other purposes.

[APPROVED, JANUARY 29, 1830.]

Lister appointed and his
duty.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That James Groenendyke, be and is hereby appointed a lister, to take a list of all the taxable property and polls in Vermillion county; and that he shall make his return by the first Monday in May next.

Bond and
oath.

SEC. 2. That the said lister, shall, before proceeding to act, give bond, and take oath as provided by the statute in relation to listers appointed by the boards doing county business.

Assessment
for 1830.

SEC. 3. The board doing county business in the county of Allen, is hereby required to cause to be assessed, at the same time the assessment for the year 1830 takes place, all the property and persons that were subject to taxation in the year 1829; and the clerk of said county, is required to make out a duplicate of the same, and deliver it to the collector for the year 1830; who is required at the same time he collects the taxes of 1830, to collect

Clerk's duty.

the taxes for 1829, and make return thereof, at the same time he makes return of the taxes for the year 1830, under the same provisions, penalties and liabilities.

This act to be in force, from and after its passage.

CHAPTER XX.

An act to authorize the board of Justices of Pike county to levy an additional tax.

[APPROVED, JANUARY 28, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the board of justices of Pike county, (should they deem it expedient) be and they are hereby authorized and required to levy an additional tax, on all persons and property, subject to taxation in said county; which tax, if assessed, shall not exceed fifty cents annually on each individual, as a poll tax; and the tax thus assessed, on real and personal property, shall not exceed the amount of county taxes assessed thereon, and for the privilege of vending thereof, which taxes so assessed, shall be collected in specie, and shall be by said board of justices, specially applied to the erection of a court house in and for said county.

Tax to erect
court house.

SEC. 2. The clerk of the circuit court of said county, when he makes out the duplicate of the taxes assessed in said county, shall insert in a separate and distinct column, opposite the name of each individual, the amount of tax on such individual, so assessed by virtue of this act, which tax in said column so inserted, shall, by the proper collector of said county, be collected and paid into the county treasury, in specie, at the same time, and under the same rules and regulations, which is by law provided for collecting and paying over other county funds.

Duty of clerk
and collector.

SEC. 3. The treasurer of said Pike county, shall keep the funds to him thus paid over in specie by virtue of this act, separate and distinct from the other funds of said county, and he shall pay the same in specie to the order of the said board of justices, under the same rules and regulations; and on failure he shall be liable to the same penalties which are provided by law in similar cases, in respect to other county funds.

Treasurer's
duty.

This act shall take effect and be in force, from and after its passage.

Penalty.

CHAPTER XXI.

An act to Extend a certain act therein named, to the county of Warren.

[APPROVED, JANUARY 30, 1830.]

County business.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the act, entitled "an act to change the mode of doing county business in the counties of Wayne, Jefferson, Ripley and Fountain," approved, January 19, 1829, be and the same is hereby extended to the county of Warren; and deemed to have the same force and effect within said county of Warren, as it would have, had the said county of Warren been named in the original act; and said act shall be acted on in said county of Warren, and have the same force and effect, as it has in the said counties of Jefferson, Ripley and Fountain, except as herein after excepted.

Power and duty of commissioners.

SEC. 2. The board of commissioners, shall meet at the court house, or other place where courts are usually holden, of said county of Warren, to transact the business, and perform the duties required of them, on the second Monday of January, May, August and November, annually: and shall be authorized to hold special sessions, to do and perform any business or duties enjoined upon them by law, which have not been done or performed at one of the regular sessions; and shall be paid one dollar and fifty cents per day, each, for their services, out of the county treasury of said county.

Business transferred.

SEC. 3. All suits, pleas, complaints, prosecutions, motions and proceedings, which may be pending in any court, at the time of the taking effect of this act, for, or against the authorities doing the county business of said county of Warren, shall be prosecuted and defended to final judgment and execution, in the same way and manner, the same might or could have been done, had not this act been passed; and all contracts made by the present county authorities, in said county of Warren, shall remain, and be of the same force, validity and effect, and be executed as though this law had not passed.

Territory attached to Warren.

SEC. 4. All that part of the county of Wabash, lying north of the said county of Warren, and west of Tippecanoe shall be, and is hereby attached to the said county of Warren, for civil and criminal jurisdiction.

Repeal.

SEC. 5. The seventh section of an act, entitled "an act for the formation of a new county out of the counties of Montgomery and Wabash," be and the same is hereby repealed.

Territory attached to Carroll.

SEC. 6. That all that part of the county of Wabash, that lies west of Carroll, be and the same is hereby attached to the county of Carroll, for civil and criminal

jurisdiction, until otherwise provided for by law; and the citizens of the territory hereby attached shall have all the rights and privileges of the citizens of the counties to which they are attached.

This act to take effect and be in force, from and after the last day of July next.

CHAPTER XXII.

An act to authorize the qualified voters of the different townships, in the county of Harrison, to elect their township officers.

[APPROVED, JANUARY 29, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the qualified voters of the several townships in the county of Harrison, shall proceed by ballot, to elect the several constables, for the several townships, at the places, in the several townships for holding general elections; and that such officers, when so elected, shall hold their office for one year, and until their successors are elected and qualified into office; and that the first election of said officers, shall be held on the first Monday in June next, and annually thereafter.

Time and place of election and term of office.

SEC. 2. The sheriff of Harrison county, is hereby required to give notice of said election, by publishing the same, in a public newspaper in the county, or by putting up a manuscript advertisement of it, in two of the most public places in each township, at least ten days previous to said election.

Notice by sheriff.

SEC. 3. The county board of justices, doing county business for Harrison county, are hereby required at their first session for doing county business, in every year, to appoint an inspector to superintend said election in each township; and that if the several inspectors so appointed, refuse or neglect to attend, they shall be subject to the same penalties, that the inspectors are, for the refusal or neglect of their several duties, assigned them by the act regulating general elections; and if the officers so appointed, should not attend, the qualified voters of each township, shall proceed in conformity to the fifth section of an act, entitled "an act to regulate general elections."

Duty of county board.

Inspectors.

SEC. 4. The inspectors of the said elections, shall be governed by an act, entitled "an act regulating general elections," approved, January 7th, 1818, with this exception; that they make their returns, on the second Monday in June annually, to the board of county justices doing business for Harrison county; and that the justices are hereby required to meet on the said second Monday

Duty of inspectors.

in June annually, for the purpose of receiving the said returns.

Bonds of officers.

SEC. 5. The several persons, or as many thereof, as each township is entitled to, for filling said offices, having the highest number of the votes given at said election, shall be considered duly elected; and after giving bond and security, to the county board of justices doing county business for the county of Harrison, in conformity to the third section of the act, entitled, "an act for the appointment of constables, and defining their duties, approved January 22d, 1824," shall proceed to the discharge of their several duties assigned them by law: *Provided*, That nothing in this act, shall be so construed as to admit the voters of one township, to vote in any other township, for said township officers.

Proviso.

This act to take effect and be in force, from and after its passage.

CHAPTER XXIII.

An act for the Formation of the counties of St. Joseph and Elkhart.

[APPROVED, JANUARY 29, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That from and after the first day of April next, all that tract of country, which is included within the following boundary, shall form and constitute a new county, to be known and designated by the name of the county of St. Joseph, to wit: Beginning at range No. 2 west from the second principal meridian, of the state of Indiana, on the northern line of the state, thence running east, to where range No 3 east, intersects the state line; thence south with the range line, thirty miles; thence west to range two west; thence north to the place of beginning.

Boundaries of St. Joseph.

SEC. 2. The said new county of St. Joseph, shall, from and after the first day of April next, enjoy all the rights, privileges and jurisdiction, which to separate and independent counties, do and may properly belong and appertain.

Rights, &c.

SEC. 3. That Thomas J. Evans and Gillis M'Bane of Cass county, Daniel Worth of Randolph county, John Berry of Madison county, and John Ross of Fayette county, are hereby appointed commissioners, agreeable to the act, entitled "an act for the fixing the seats of justice in all counties hereafter to be laid off." The commissioners above named, shall convene at the house of Alexander Coquillard, in the said county of St. Joseph, on the fourth Monday of May next, and shall

Commissioner's and their duties.

immediately proceed to discharge the duties assigned them by law. It is hereby made the duty of the sheriff of Cass county, to notify the said commissioners, either in person, or by written notification, of their appointment, on or before the first day of May next; and the said sheriff of Cass county, shall receive from the said county of St. Joseph, so much as the board doing county business for said county, shall deem just and reasonable; who are hereby authorized to allow the same, out of any monies in the county treasury, in the same manner as other monies are paid.

Sheriff of Cass and his duty.

His compensation.

SEC. 4. The circuit court of the county of St. Joseph shall be holden at the house of Alexander Coquillard, in said county of St. Joseph: *Provided, however*, That the circuit courts, shall have authority to remove the court from the house of Alexander Coquillard, to any other place in said county, previous to the public buildings being completed, should the said court deem it expedient; after the completion of which, the court of the said county of St. Joseph, shall be holden at the court house at the county seat of said county of St. Joseph.

Circuit court when held. Proviso.

SEC. 5. The agent who shall be appointed to superintend the sales of lots, at the county seat of the county of St. Joseph, shall reserve ten per cent. out of the proceeds thereof, and pay the same over to such person or persons, as may be appointed by law to receive the same, for the use of a county library for said county of St. Joseph, which he shall pay over at such time or times, and place, as may be directed by law.

Agents duty.

SEC. 6. It shall be the duty of the qualified voters of the county of St. Joseph, at the time of electing a clerk, recorder and associate judge, to elect three justices of the peace, who, when elected and qualified, shall have all the powers and perform all the duties, prescribed by law, as relates to boards of justices in the several counties; and said board shall have power to hold special sessions, and to do and perform, any duties required at any previous regular session.

Election.

County board and powers.

SEC. 7. That all the territory lying west of said county, to the state line, be, and the same is hereby attached to the said county of St. Joseph, for civil and criminal jurisdiction: and the citizens residing within the bounds so included, shall be entitled to all the privileges and immunities, and be subject to all the taxes, impositions and assessments, of the citizens of the county of St. Joseph.

Territory attached.

SEC. 8. That from and after the first day of April next, all that tract of country, which is included within the following boundary, shall form and constitute a new county, to be known and designated by the name of the county of Elkhart, to wit: Beginning at range three east,

Boundaries of Elkhart.

and thence running with the state line twenty four miles east; thence south twenty miles; thence west twenty-four miles; thence north twenty-four miles, to the place of beginning.

Rights.

SEC. 9. That the said new county of Elkhart, shall, from and after the first day of April next, enjoy all the rights, privileges and jurisdiction, which to separate and independent counties, do, and may properly belong and appertain.

Commissioners and their duty.

SEC. 10. That William G. Ewing and Hugh Hanna of the county of Allen, Samuel Fleming and John Bishop of the county Wayne, and Joseph Bennett of the county of Delaware, are hereby appointed commissioners agreeable to the act, entitled "an act for the fixing the seats of justice in all counties hereafter to be laid off." The commissioners above named, shall convene at the house of Chester Sage, in the said county of Elkhart, on the fourth Monday in May next, and shall immediately proceed to discharge the duties assigned them by law. It is hereby made the duty of the sheriff of Allen county, to notify the said commissioners, either in person, or by written notification, of their appointment, on or before the first day of May next; and the said sheriff of Allen county, shall receive from the said county of Elkhart, so much as the board doing county business shall deem just and reasonable; who are hereby authorized to allow the same out of any monies in the county treasury, in the same manner as other monies are paid.

Sheriff of Allen and his duty.

His compensation.

Courts where held. Proviso.

SEC. 11. The circuit court of the county of Elkhart, shall be holden at the house of Chester Sage, in said county of Elkhart: *Provided, however,* That the circuit court, shall have authority to remove the court from the house of Chester Sage, to any other place in said county, previous to the public buildings, being completed, should the said court deem it expedient; after the completion of which, the court of the said county of Elkhart, shall be holden at the court house at the county seat of said county of Elkhart.

Agent and his duty.

SEC. 12. The agent who shall be appointed to superintend the sales of lots at the county seat of the county of Elkhart, shall reserve ten per cent. out of the proceeds thereof, and pay the same over to such person or persons, as may be appointed by law to receive the same, for the use of a county library for said county of Elkhart; which he shall pay over at such time or times, and place, as may be directed by law.

Election.

SEC. 13. It shall be the duty of the qualified voters of the county of Elkhart, at the time of electing a clerk, recorder and associate judges, to elect three justices of the peace, who, when elected and qualified, shall have all the

power, and perform all the duties prescribed by law, as relates to boards of justices, in the several counties; and said board shall have power to hold special sessions, and to do and perform any duties required at any previous regular session. County board and power.

SEC. 14. That all the territory lying east of said county to the state line, be, and the same is hereby attached to the said county of Elkhart, for civil and criminal jurisdiction; and the citizens residing within the bounds so included, shall be entitled to all the privileges and immunities, and be subject to all the taxes, impositions and assessments, of the citizens of the county of Elkhart. Territory attached.

SEC. 15. The county of St. Joseph, shall be attached to the first, and the county of Elkhart to the sixth judicial circuit of this state, for judicial purposes. Attached to judicial circuits.

This act to take effect and be in force, from and after its passage.

CHAPTER XXIV.

An act for the formation of a new county, north of Marion and Hendricks counties.

(APPROVED, JANUARY 29, 1830.)

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That from and after the first day of April next, all that tract of country which is included within the following boundaries, shall form and constitute a new county, to be known and designated by the name of the county of Boone, (in honor of Colonel Daniel Boone, the pioneer of the west,) to wit: Beginning at the south west corner of the county of Hamilton; thence north with the line dividing ranges two and three, seventeen and a half miles, to the centre stake of section thirteen, township twenty, range three east; thence westwardly, twenty-four miles, to the centre stake on the west side of section eighteen, township twenty, range two west; thence south with the line dividing ranges two and three west, seventeen and a half miles, to the north west corner of the county of Hendricks; thence east with the northern boundary of the counties of Hendricks and Marion, to the place of beginning. Boone county erected. Boundary.

SEC. 2. The said new county of Boone, shall, from and after the first day of April next enjoy all the rights, privileges and jurisdictions, which, to separate and independent counties, do and may properly belong. Said county shall be and remain, for all civil and judicial purposes (attached) to the several counties to which it now belongs. The several circuit courts of the counties to Still attached for judicial purposes.

which the different portions of said new county are attached, shall have full power to issue, and direct to their sheriffs, to be served and executed in said new county, all process which may be required to give to them full and complete jurisdiction as above provided.

Commissioners to fix county seat.

When and where to meet.

Notice.

Election of officers.

Provido.

County board. Special session.

Powers of board.

Assessments and taxes.

SEC. 3. That Thomas M. Currey of the county of Tippecanoe, James B. Stevens of the county of Hancock, John Holmes of the county of Marion, Charles H. Heaton of the county of Montgomery and Thomas J. Matlock of the county of Hendricks, be and they are hereby appointed commissioners, agreeably to an act entitled "an act to establish seats of justice in new counties," approved January 14, 1824. The commissioners above named, shall meet at the house of Austin Davenport, in said county of Boone, on the first Monday of June next, and shall immediately proceed to discharge the duties assigned them by law. It shall be the duty of the sheriff of Marion county, to give notice, either verbally, or by written notification, to said commissioners of their appointment, and of the time and place when and where they are to meet, for which he shall receive a reasonable compensation.

SEC. 4. There shall, at the first election in said county, be elected a clerk of the circuit court, and in addition to the two justices of the peace now residing in said county, there shall be three other justices elected, the time and place of which election, shall be appointed by the sheriff of said county: *Provided*, two of said justices of the peace, shall be elected by the qualified voters within so much of said county, as lies north of the line dividing townships eighteen and nineteen, and west of the range line, dividing ranges one west and one east.

SEC. 5. The justices aforesaid, shall form and constitute a board for the transaction of all duties required by law, to be performed by boards doing county business, and shall hold a special session on the second Monday of May next, at the house of Austin Davenport, and thereafter shall meet at such time and place as they may deem just and expedient, having adjourned for that purpose. At their first session, they shall be and are hereby empowered and required, to perform all acts required by law to be done by boards doing county business at their January session, as well for the purpose of collecting the state and county revenue, as for all other purposes. Whenever they may think it expedient and necessary, they may cause the public buildings to be erected at the county seat.

SEC. 6. The inhabitants of said county, shall not hereafter be charged with tax, by any of the counties to which said new county has been heretofore attached; and all assessments of tax for the year 1830, which may be or

shall have been ordered, upon the persons and property within said county, shall be considered as having been made under the authority of the board of justices thereof; to which board, all assessment rolls shall be returned at their first session.

SEC. 7. The several parts of the said new county, shall remain attached to the same respective counties, for representative and senatorial purposes, to which such parts now by law are attached, until otherwise provided for by law.

Senatorial and Representative purposes.

SEC. 8. And it shall be the duty of the secretary of state to deliver to the distributors of the laws, to distribute to said new county, five copies of the revised code, and eight of each of the subsequent laws, and the usual number of the laws of the present general assembly, allowed to counties having the smallest number thereof, by the laws of the present session.

Laws.

This act to take effect, and be in force, from and after its passage.

CHAPTER XXV.

An act for the formation of a new county east of Tippecanoe county.

[APPROVED, JANUARY 29, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That from and after the first day of March next, all that tract of country included within the following boundaries, shall form and constitute a new county, to be known and designated by the name of the county of Clinton, to wit: Beginning at the north west corner of section 19, in township 23, north of range 2 west, on the east boundary of Tippecanoe county, where the south west corner of Carroll county strikes the same; thence south seventeen and one half miles to the half mile stake in section 13, in township 20, range 2 west; thence east to the half mile stake on the east side of section 13, township 20, range 2 east; thence north seventeen and a half miles; thence west to the south east corner of Carroll county; thence west with the south boundary of said county, to the place of beginning.

Boundaries of Clinton co.

SEC. 2. That the said new county of Clinton, shall from and after the said first day of March next, enjoy all the rights and privileges and jurisdictions, which, to separate or independent counties, do, or may properly belong or appertain.

Powers.

SEC. 3. That Robert Taylor of Montgomery county, Henry Ristine of Tippecanoe county, Hugh B. McKeen

Commissioners and their duty.

Sheriff of Montgomery, and his duty.

Election.

County bo'rd.

Agent and his duty.

Proviso.

Attached to first circuit.

of Cass county, John Cary of Carroll county, and Jeremiah J. Corbaly of Marion county, be, and they are hereby appointed commissioners, agreeable to the act, entitled "An act fixing the seats of justice in all new counties hereafter to be laid off." The said commissioners shall meet on the second Monday of May next, in the town of Jefferson in said county of Clinton, and shall immediately proceed to discharge the duties assigned them by law. It is hereby made the duty of the Sheriff of Montgomery county, to notify said commissioners, either in person, or in writing, of their appointment, on or before the second Monday of April next; and for such service, he shall receive such compensation from the county of Clinton, as the board of commissioners thereof, may deem just and reasonable, to be allowed and paid, as other county claims are paid.

SEC. 4. At the time and place of holding election in the county aforesaid, under the writ of election from the Executive Department, the electors of said county, shall elect three commissioners, in and for the said county; who shall meet as a board, at the house of Matthew Bundels, in said county, on the first Monday of May next, or as soon thereafter as they may be enabled to do, after being commissioned; and then and there proceed to transact all business, and discharge the duties devolving on county commissioners, at the organization of a new county, as well as all the duties required of boards of commissioners at such session. The circuit courts of the said county of Clinton, shall meet and be holden in the town of Jefferson, in said county, until suitable accommodation can be had at the county seat of said county.

SEC. 5. The agent who shall be appointed to superintend the sale of lots, at the county seat of the county of Clinton, shall reserve ten per cent. out of the proceeds of all lots sold, either by the county or proprietor or proprietors; also ten per cent. of all donations made to the said county, and pay the same over to such person or persons, as may be appointed by law to receive the same, for the use of a library for said county; which he shall pay over at such time as directed by law: *Provided always*, That nothing shall be construed out of any section of this act, so as to interfere or affect the justices of the peace, who have been commissioned heretofore within the bounds of said new county.

SEC. 6. That the county of Clinton, be, and the same is hereby attached to the first judicial circuit, for judicial purposes.

This act to take effect and be in force, from and after its publication in the Indiana State Gazette.

An act supplemental to an act organizing the county of Clinton.

[APPROVED, JANUARY, 29, 1830.]

Be it enacted by the General Assembly of the state of Indiana, That the commissioners that may be elected to do the county business of the said county of Clinton, shall be allowed the sum of one dollar and fifty cents per day, for each and every day they may be employed in doing the business of said county, out of the county treasury of said county.

Compensation to county commissioners.

CHAPTER XXVI.

An act providing for the relocation of the Seat of Justice of Sullivan county.

[APPROVED, JANUARY 29, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Jesse Emmisson, of Gibson county, John Decker, of Knox county, Seth Rodick, of Daviess county, John Jackson, senr. of Vigo county, and Julius Johnson, of Martin county be and they are hereby appointed commissioners, to relocate and establish the county seat of Sullivan county; the commissioners aforesaid, or a majority of them, shall meet at Richard Dodd's in Merom, on the second Monday, in July next, or on some day thereafter, that a majority of them may agree upon, all of said commissioners being notified of the time of meeting, by the sheriff of Sullivan county; and when so met, and being duly sworn: faithfully and impartially to discharge the duties assigned them by this act, shall examine into the situation of said county, and if a donation can be procured, which in the opinion of said commissioners, with the probable amount of the sale of lots arising from the sale of lots at such new county seat, will be sufficient to defray the expenses of erecting good and sufficient public buildings, suitable for said county, to remove said county seat, than to continue it at Merom, all circumstances considered; and if in their opinion it will be more to the advantage and interest of the people of said county, they shall procure said donation to be made, and shall then proceed to relocate the seat of justice of said county.

Commissioners and their duties.

Notice by Sheriff of Sullivan county.

SEC. 2. If the commissioners aforesaid shall relocate the said county seat, it shall be the duty of the agent of said county, to lay off said town, on a plan as near as may be, with the town of Merom, and with a corresponding number of lots; and any and every person, who shall or may have purchased of said county, or the authorized agent thereof, and have paid for any lot or lots, in whole

Agent's duty.

Lots how ex-
changed.

or in part, on completing the payment of the same in the town of Merom, shall have the privilege of changing the same, for other lot or lots, correspondingly situated, and numbered, in the new town that may be laid off by said commissioners, by filing and acknowledging before the recorder of said county, an application for such exchange; and the same shall be entered on record, by the said recorder, at the expense of the said county, which persons shall pay to the recorder therefor the sum of fifty cents; and the same shall have the effect of an absolute release of all the right, title and interest of such applicant, in and to such lot or lots: and it shall be the duty of the agent, on being presented with the recorder's certificate of such relinquishment, on application, to give to the applicant, a good and sufficient general warranty deed, for the lot or lots in the new town; which shall be in a corresponding number, with the lot or lots relinquished in Merom: *Provided*, That the application for such exchange, be made before the agent may have sold said lot or lots, corresponding with said application: and it is further provided, that nothing in this section, shall be so construed, as to prevent said commissioners, from relocating said county seat, in any town that is now laid off in said county, or that may hereafter be laid off: *Provided*, That in all cases, a donation equal to the objects before mentioned, shall have been secured.

Proviso.

Lots how val-
ued.

SEC. 3. That James Barnes of Vigo county, John Myers and William Harper of Knox county, are hereby appointed commissioners, to meet at Merom on the second Monday of April next, or as soon thereafter as may be agreed upon by a majority, to make an estimate of the value of each, and every lot in the town of Merom, sold as aforesaid, by said county or its agent, on which any building or buildings are erected, or other improvements made; also, of each and every lot or lots sold as aforesaid, which is without improvement, and they shall make an estimate of how much less valuable said property will become, by the removal of the seat of justice therefrom; which they shall certify to the board of commissioners of said county, under their hands and seals, and the said board of commissioners of said county, shall cause such certificate to be entered in their records, and cause the difference in value of said property so certified, to be refunded to the owner or owners of said property, or to his or their legal representatives; and the commissioners hereby appointed, before they proceed to make the estimate and valuation as above mentioned, shall be duly sworn, faithfully and impartially to discharge their duties; and in all cases a majority of them shall have full power to act.

SEC. 4. As soon as the board of county commissioners, shall be satisfied, that suitable public buildings are procured for holding courts, and for other county purposes, they shall direct the clerk of the circuit court, recorder and treasurer of said county, to remove their offices to the new seat of justice; and from that time, the circuit and all other courts of said county, shall be held there, and the seat of justice shall forever remain at the new site.

Officers when
to be remo-
ved.

SEC. 5. The agent of said county, shall reserve ten per cent. out of the proceeds of the sale of such lots as may be sold, for the use of said county, at the said relocated county seat, for the use of a county library; which shall be paid over in the same manner as is now provided for by law.

Library fund.

SEC. 6. That it shall be the duty of the sheriff of Sullivan county, to notify the commissioners aforesaid, of the time and place hereby appointed for them to meet; for which, he shall be allowed by the board doing county business of said county, a reasonable compensation; and the said commissioners, shall be compensated, and in all respects governed by the provisions of an act to establish seats of justice in new counties, approved January 14, 1824, so far as the same may not contravene the provisions of this act.

Notice by
Sheriff of Sul-
livan.

SEC. 7. And it is hereby made the duty of the sheriff of Sullivan county, within fifteen days after the first day of March next, to notify the commissioners named in the third section of this act, to meet at Richard Dodd's in Merom, or at the court house in said town, on the third Monday in March next, to perform the duties as set forth in the third section of this act. If any of the last named commissioners, shall refuse to serve, or neglect to attend, it shall be the duty of the board doing county business, in said county of Sullivan, to fill such vacancy, and the sheriff to notify such commissioner or commissioners of their appointment, and the day that they are to meet; which day may be fixed by said board, and the board doing county business, shall allow said sheriff and commissioners, a reasonable compensation for their services.

Sheriff's fur-
ther duties.

This act shall take effect and be in force, from and after its publication in the Indiana State Gazette.

CHAPTER XXVII.

An act appointing commissioners to relocate the Seat of Justice in Dubois county.

[APPROVED, JANUARY 21, 1830.]

Commissioners named.

Where to meet.

Their duty.

Site not subject to execution.

Town, how laid off.

Owners may exchange lots.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Thomas Vandever of Spencer county, William Hoggatt of Orange county, Adam Shoemaker of Perry county, Thomas Cisall of Martin county, and Ebenezer Jones of Daviess county, be, and they are hereby appointed commissioners to relocate the seat of justice of Dubois county; who, or a majority of them, shall meet at Portersville in said county, on the second Monday in August next, or on any day thereafter, which they, or a majority of them, may agree upon; and after being duly sworn, faithfully and impartially to discharge the duties to them assigned by this act, the said commissioners, or a majority of them, so assembled and sworn, shall proceed to select, as near the centre of said county, as an eligible situation can be had, the most eligible situation for a town and seat of justice for the said Dubois county; and shall procure, by donation or purchase, a quantity of land at least sufficient to lay out a town, with a number of lots equal to the number in Portersville, the present seat of justice of said county; and the land, so by donation or purchase obtained for a town and seat of justice of said county, shall not be liable to execution, or be sold to discharge any judgment, which now exists, or may hereafter be obtained, against the said Dubois county; but it is applied to, and is hereby reserved, for the special purpose for which the same shall have been purchased or donated, free and exempt from any execution, in any manner whatever, issued against the said Dubois county, by virtue of any judgment, now existing, or which may hereafter be obtained.

SEC. 2. After the relocation of said county seat, by the commissioners, pursuant to the provisions of the first section of this act, it shall be the duty of the county agent of said county, so soon as convenient, to lay off, or cause to be laid off, a town on said relocation, on a plan as nearly similar as may be, to the town of Portersville in said county, and with a corresponding number of lots; and any and every person, who shall be the owner or owners of any lot or lots in Portersville, the present seat of justice in said county, which shall have been originally purchased of said Dubois county, and paid for in whole or in part, (whether sold on execution or otherwise) on making complete payment therefor, if only part shall have been paid, such owner or owners, his, her, or their legal representa-

tives, shall have the privilege of exchanging the same, for other lot or lots correspondingly situated in said new town, laid off by said agent as aforesaid, by filing with, and acknowledging, before the recorder of said Dubois county, his, her, or their application for that purpose, within thirty days from and after the time, that the said commissioners shall report their proceedings to the board of justices of said Dubois county; which application, filed and acknowledged as aforesaid, shall by said recorder be entered on record, at the expense of said county; and for which said recorder shall be allowed and paid, the sum of twenty-five cents, for each application thus made, filed and recorded; which application shall have the effect, both in law and equity, of an absolute release of all the right, title, and interest, of such applicant, in and to such lot or lots; and it shall be the duty of the agent of said county, on being presented with the said recorder's certificate of such relinquishment and application, to execute to such applicant, a good and sufficient general warranty deed or deeds, to the same number of lots thus relinquished in the new town, correspondingly numbered and situated with those relinquished in the town of Portersville aforesaid.

SEC. 3. Said commissioners shall also, at the time they relocate the said county seat, value the donations (if any) which were given by individuals to the said county of Dubois, for the seat of justice at Portersville, exclusive of the improvements thereon; and the value thereof, thus assessed by said commissioners, shall be refunded to the person or persons who donated the same, or to their legal representatives; if such donation or donations cannot be returned uninjured by incumbrances, to the person or persons who donated the same, or to their legal representatives. But if such donation or donations can be returned unincumbered, or any part thereof, and the donor or donors thereof, or their legal representatives, choose to take them back, such donation or donations may be returned to the original donor, or their legal representatives; and if the whole shall be returned, it shall be in full discharge of all claims, which the donor thereof shall have against said county, on account of such donation; and if a part only shall be returned, it shall be in full discharge of so much of the donor's claim against said county, as the board of justices of said county, and said donor, or his legal representatives, shall agree on.

SEC. 4. Any person or persons, being the owner of any lot or lots in the town of Portersville in said county, on which any buildings or improvements may have been erected or made, previous to the passage of this act, and who shall feel him, her, or themselves aggrieved by the relo-

Requisites in exchanging.

Recorder's fee.

Release of lots.

Agent's duty.

Donations valued and refunded.

Lots and improvements in Portersville, how valued.

cation of said county seat, may at any time, within twelve months after the passage of this act, make application to the board of justices of said county, to have the said lot or lots, and buildings or improvements thereon valued; and if any application or applications shall be so made, the said board of justices, at their first session, held one year after the passage of this act, shall appoint three commissioners, who are not residents of Dubois county, neither of whom shall be interested in said town of Portersville, or of kin to any person interested in any lot or lots therein; which commissioners, so appointed, or a majority of them, shall meet at the said town of Portersville, on any day, within thirty days after their appointment, which they or a majority of them may agree on, or the board of justices direct; who, after being duly sworn, faithfully and impartially to discharge the duties enjoined on them by this act, shall, so soon as convenient, proceed to view and value the lot or lots, for which application shall have been made to have valued, together with the improvements thereon; and also to view and value the lot or lots obtained therefor in exchange; and shall under their hands and seals, certify the value of each to the clerk of the Dubois circuit court; who shall lay the same before the board of justices of said county, at the session next after it shall have been received; and if the difference in value shall be in favor of any lot or lots in the town of Portersville, the difference in value so ascertained, shall, by the said board of justices be allowed to the owner or owners of such lots, and be paid as is provided for the payment of donations, by the second section of this act; and if the difference in value so ascertained, shall be in favor of any lot or lots obtained in exchange, such difference in value, shall, by the owner or owners thereof be in like manner paid to the board of justices of said Dubois county, within six months after such difference shall have been ascertained; and for thus valuing said lots, and so certifying the value thereof, said commissioners shall be allowed such compensation, as said board of justices shall deem just and reasonable.

Difference in
value, how
adjusted.

SEC. 5. The sheriff of Dubois county, shall in due time, notify the commissioners by this act appointed, and to be appointed by virtue hereof, of their respective appointments, and of the times and places, at which they are by this act required to meet; for which he shall be allowed such compensation, as the board of justices of said county shall deem just and reasonable, to be paid out of said county treasury; and the commissioners appointed by the first section of this act, shall receive for their services two dollars and fifty cents each, for every day they shall be necessarily employed in discharging the duties

Sheriff's duty

Compensation.
Commissioners' allowance.

enjoined on them by this act, and travelling to and from the place, at which they are required to meet; they shall report their proceedings to the board of justices of Dubois county, and shall receive the compensation herein allowed, out of the said Dubois county treasury.

SEC. 6. The circuit and other courts of the said Dubois county, shall be holden at Portersville, the present seat of justice of said county, until suitable buildings for their accommodation shall be erected at the seat of justice relocated: As soon as practicable, the board of justices of said county, shall commence the erection of the necessary public buildings, at the seat of justice relocated; and after the court house shall be completed, so as to afford suitable accommodation for the courts, the circuit courts of said county and courts transacting the county business, shall be held at the seat of justice, as located by virtue of this act.

Courts, when
held.

This act shall take effect and be in force, from and after the first day of June next; and the act entitled "An act appointing commissioners to relocate the seat of justice of Dubois county," approved January 19, 1829, is hereby repealed.

An act supplemental to an act, entitled "An act to relocate the seat of justice of Dubois county," approved January 21, 1830.

[APPROVED, JANUARY 30, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the commissioners appointed by the act to which this is a supplement, shall, after meeting at the town of Portersville, and taking the necessary oath, examine the situation of the county; and after having selected the most eligible situation for a seat of justice for said county, agreeably to the provisions of the act to which this is a supplement, they shall endeavor to ascertain, whether the interest of said county would be promoted by relocating the said county seat or not: and if in their opinion, the interest of said county would be promoted, by a relocation of the seat of justice of said county, they shall proceed to relocate the same, agreeably to the provisions of said act. But if they shall consider, that the interest of said county, would not be promoted by so relocating said seat of justice, they shall desist from making such relocation, and shall make to the board of justices of said county, a report of their opinion, relating thereto, and of their proceedings thereon by virtue of this act.

Seat of justice
to remain as
now, if for
the interest of
the county.

CHAPTER XXVIII.

An act, dividing the State into Judicial Circuits.

[APPROVED, JANUARY 20, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the counties of Vermillion, Parke, Montgomery, Fountain, Warren, Tippecanoe, Carroll and Cass, shall form, and constitute the first Judicial Circuit: (Clinton and St. Joseph. *)

That the counties of Clark, Scott, Jackson, Washington, Lawrence, Orange, Harrison and Floyd, shall form and constitute the second Judicial Circuit:

That the counties of Franklin, Dearborn, Ripley, Decatur, Switzerland, Jefferson and Jennings, shall form and constitute the third Judicial Circuit:

That the counties of Gibson, Posey, Vanderburgh, Warrick, Spencer, Perry, Crawford, Pike and Dubois, shall form and constitute the fourth Judicial Circuit:

That the counties of Marion, Hendricks, Morgan, Johnson, Bartholomew, Shelby, Hancock, Madison and Hamilton, shall form and constitute the fifth Judicial Circuit:

That the counties of Allen, Delaware, Randolph, Henry, Wayne, Union, Fayette and Rush, shall form and constitute the sixth Judicial Circuit: (Elkhart. *)

That the counties of Knox, Daviess, Martin, Greene, Monre, Owen, Vigo, Putnam, Sullivan and Clay, shall form and constitute the seventh Judicial Circuit.

An act fixing the times of holding Courts in the several Judicial Circuits in this State, and for other purposes.

[APPROVED, JANUARY 28, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the circuit courts within the several judicial circuits, in this state, shall be annually held on the days and times following viz: In the county of Vermillion, on the first Mondays of March and September; in the county of Parke, on the second Mondays of March and September; in the county of Montgomery, on the third Mondays of March and September; in the county of Fountain, on the fourth Mondays of March and September; in the county of Warren, on the Thursdays next after the courts in the county of Fountain; in the county of Tippecanoe, on the second Mondays of

* See the act for the formation of the counties of St. Joseph and Elkhart, 15th Sec. page 31, and also the act for the formation of a new county east of Tippecanoe county: 6th Sec. page 34.

April and October; in the county of Clinton, on the third Mondays of April and October; in the county of Carroll, on the Thursdays succeeding the courts in the county of Clinton; in the county of Cass, on the fourth Mondays of April and October; and in the county of St. Joseph, on the first Mondays of May and November. The circuit courts to be holden as above in the first judicial circuit, in the counties of Vermillion, Parke, Montgomery, Fountain, Tippecanoe and Cass, shall each sit six days if the business thereof require it; and in the counties of Warren, Clinton, Carroll and St. Joseph, shall each sit three days, if the business thereof require it.

How long to sit.

SEC. 2. In the county of Scott, on the first Mondays of March and third Mondays of August; in the county of Jackson, on the second Mondays of March and first Mondays of September; in the county of Lawrence on the third Mondays in March and second Mondays in September; in the county of Orange, on the fourth Mondays in March and third Mondays in September; in the county of Washington, on the first Mondays of April and fourth Mondays of September; in the county of Harrison, on the third Mondays of April and first Mondays of October; in the county of Floyd, on the third Mondays in May and October; and in the county of Clark, on the fourth Mondays of May and third Mondays in November. The circuit courts to be holden as above, in the second judicial circuit, in the counties of Jackson, Lawrence, Orange and Floyd, shall each sit six days, if the business thereof require; in the counties of Washington and Harrison, shall each sit twelve days if the business thereof require it; in the county of Scott, shall sit at the spring term, six days, at the fall term twelve days, if the business thereof require it; and in the county of Clark, shall, at each term, sit until the business thereof is finished.

How long.

SEC. 3. In the county of Switzerland, on the third Mondays of February and August; in the county of Jefferson, on the fourth Mondays of February and August; in the county of Jennings, on the second Mondays of March and September; in the county of Ripley, on the third Mondays of March and September; in the county of Franklin, on the fourth Mondays of March and September; in the county of Dearborn, on the second Mondays of April and October; in the county of Decatur, on the fourth Mondays of April and October. And the said circuit courts to be holden as above, in the said third judicial circuit, shall sit in the counties of Ripley, Jennings, Switzerland and Decatur, six days each, if the business requires it; and in the counties of Jefferson, Dearborn and Franklin, twelve days each, if the business require it.

In 3d.

How long.

SEC. 4. In the county of Dubois, on the Thursday pre-

In 4th

1st Circuit.

2.

3.

4.

5.

6.

7.

When held in 1st circuit.

ceding the second Mondays in April and October; in the county of Pike, on the second Mondays of April and October; in the county of Gibson, on the third Mondays of February and August; in the county of Posey, on the fourth Mondays of February and August; in the county of Vanderburgh, on the second Mondays of March and September; in the county of Warrick, on the third Mondays of March and September; in the county of Spencer, on the Thursdays after the courts in Warrick; in the county of Perry, on the fourth Mondays of March and September; and in the county of Crawford, on the Mondays after the courts in the county of Perry. The circuit courts to be holden as above, in the fourth circuit, in the said counties of Pike, Gibson, Vanderburgh, Perry and Crawford, shall each sit six days, if the business thereof require it; in the counties of Dubois, Warrick and Spencer, shall each sit three days, if the business thereof require it; and in the county of Posey, shall sit twelve days each term, if the business thereof require it: *Provided, however,* That this act shall not take effect in the said fourth judicial circuit, until the first day of April next.

How long.

Proviso.

In 5th.

SEC. 5. In the county of Hancock, on the Wednesdays succeeding the last Mondays in February and August; in the county of Shelby, on the first Mondays of March and September; in the county of Bartholomew, on the second Mondays of March and September; in the county of Johnson, on the third Mondays in March and September; in the county of Marion, on the fourth Mondays in March and September; in the county of Hendricks, on the second Mondays in April and October; in the county of Morgan, on the third Mondays of April and October; in the county of Madison, on the second Mondays of May and November; and in the county of Hamilton, on the third Mondays of May and November. The circuit courts, of the above fifth circuit, in the counties of Shelby, Bartholomew, Johnson, Morgan, Hendricks, Hamilton and Madison, shall each sit six days, if the business thereof require it; in the county of Marion, twelve days if the business thereof require it; and in the county of Hancock, four days at each term, if the business thereof require it.

How long.

In 6th.

SEC. 6. In the county of Randolph, on the third Mondays of February and August; in the county of Wayne, on the fourth Mondays of February and August; in the county of Union, on the first Mondays of March and September; in the county of Fayette, on the second Mondays of March and September; in the county of Rush, on the third Mondays of March and September; in the county of Henry, on the fourth Mondays of March and September; in the county of Delaware, on the Mondays succeeding the courts in the county of Henry; and in the county of

Allen, on the second Mondays in May and November. The circuit courts to be holden as above, in the said sixth judicial circuit, shall each sit six days, if the business thereof require it, except the said circuit courts in the county of Wayne; and those courts shall sit every judicial day, until the commencement of the courts in the county of Union, if the business thereof require it. How long.

SEC. 7. In the county of Knox, on the first Mondays of March and September; in the county of Daviess, on the third Mondays of March and September; in the county of Martin, on the fourth Mondays of March and September; in the county of Green, on the first Mondays of April and October; in the county of Monroe, on the second Mondays of April and October; in the county of Owen, on the third Mondays of April and October; in the county of Putnam, on the fourth Mondays of April and October; in the county of Clay, on the first Mondays of May and November; in the county of Vigo, on the second Mondays of May and November; and in the county of Sullivan, on the fourth Mondays of May and November. The circuit courts to be holden as above, in the seventh judicial circuit, shall each sit six days, if the business thereof require it, except the counties of Knox and Vigo, which shall each sit twelve days, if the business require it. In 7th.
How long.

SEC. 8. All writs, subpoenas or other process, which may have issued from any circuit court, since the last sitting thereof, or which may hereafter issue previous to this act being received in the respective counties, shall be deemed and taken, and are hereby made returnable to the first day of the first term of the several circuit courts to be holden by virtue of this act; and all suits, pleas, complaints, prosecutions, recognizances, actions, motions, or other proceedings, either civil or criminal, which are now pending, or may hereafter be pending, prior to the time this act shall be received in the several counties, shall be taken up and acted upon at the first term of such court to be holden under this act, and be disposed of according to law, in the same manner as if no alteration had been made in the time of holding such court. Writs returnable.

SEC. 9. That the secretary of state, shall forthwith cause the state printer to print in pamphlet form, three hundred copies of this act, and the act of this session, dividing the state into seven judicial circuits, and have the same ready for distribution immediately. All acts and parts of acts coming within the purview of this act be, and the same are hereby repealed. Printing.

This act shall take effect and be in force, from and after its passage.

An act supplemental to an act to regulate the judicial circuits, and fixing the times of holding courts, passed at the present session.

[APPROVED, JANUARY 29, 1830.]

Be it enacted by the General Assembly of the state of Indiana, That the circuit courts in the county of Elkhart, shall be holden on the third Mondays in May and November, and shall sit six days if the business require it.

This act to take effect and be in force from and after its passage.

CHAPTER XXIX.

An act to amend "An act to organize probate courts, and defining the powers and duties of executors and administrators," approved 23d January, 1829.

[APPROVED, JANUARY 30, 1830.]

When to sit where circuit courts interfere.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That in counties where sessions of the probate court, under the provisions of the act to which this is an amendment, interfere with the sessions of the board doing county business, the terms of the probate court, shall commence on the Thursday succeeding the sittings of the board.

Elections of judges legalized.

SEC. 2. All elections had in pursuance of the act to which this is amendatory, before the said act had been deposited in the clerk's office of the proper county, are hereby declared as valid and lawful, in every respect, as though said act had been regularly deposited in the clerk's office aforesaid, previous to such election; and in all cases, where judges were not elected at the last August election, under the provisions of said act, it shall be lawful for the qualified voters of the proper county, to hold such election on the first Monday of any succeeding month of August, for that purpose; and in case of death, resignation, or removal from office, of any probate judge, it shall be the duty of the clerk of the circuit court, to give information to the governor; who shall forthwith appoint some fit person to perform the duties enjoined by said act, until the next annual election; at which time, the vacancy shall be filled by an election of the people, agreeably to the provisions of the act [to] which this is an amendment.

Future elections authorized.

Vacancies, how filled.

Appeals and misprint.

SEC. 3. The words, "appealed from, to the circuit court," in the ninth section of the act aforesaid, are declared a misprint, and the appeal there mentioned, to have been intended, and shall be, to the *supreme court*, and that

part of the eighteenth section, which reads, "tenth section of this act," to be read, *ninth* section of this act.

SEC. 4. In all cases where executors, or administrators, may have taken, or shall hereafter take, notes, or other obligations of persons, for the payment of purchases made at sales of the personal estate of any decedent, and the persons executing such notes, or obligations, become insolvent before the same falls due or is collected, it shall be lawful for the probate court if it be proved to the satisfaction of the court by legal evidence, that the executor or administrator, had used due caution, and had done his duty in taking such security, and also used due diligence to cause the money so due to be collected, to allow such executor, or administrator, a credit for the amount thereof.

Certain debts to be credited to executors and admin'rs.

SEC. 5. It shall be the duty of the associate judges, of the counties where no probate judge has been elected under the act to which this is an amendment, to act as a probate court under this act, and the act to which this is amendatory, and hold the same terms, and be governed in all respects, by the provisions of this act, and the act to which this [is] amendatory, until there is a probate judge elected, commissioned, sworn into office, and ready to act; and such associate judges, for their services as probate judges, shall each receive for their services, one dollar and fifty cents per day, out of the state treasury, payable as probate judges are paid: *Provided, however,* That no associate judge, receiving one dollar and fifty cents per day, for his services as probate judge, hereafter shall receive any pay out of their respective county treasuries, for the same services.

When no election, associate judges to act.

Compensation.

SEC. 6. That in vacation of the court of probate, the clerk thereof, shall, and he is hereby authorised, to take the proof of last wills and testaments, grant letters testamentary, and letters of administration, under the provisions of the above recited act; subject to confirmation or revocation, at the next term of said court, at the discretion of the judge thereof; but whenever any person interested in the estate of a deceased person, shall file a written notice, in person, or by attorney, in the proper clerk's office, before proof of the will, or grant of administration, that the same will be contested, the said clerk shall continue the case, until the next term of the court, and suspend all further proceedings thereon in his office; at which term, the said court shall decide thereon according to the right of the case: *Provided,* That such clerk, shall not take such proof of wills, or grant administration, until the expiration of fifteen days after the decease of the testator or intestate.

Clerk to grant administration in vacation.

May be revoked.

How contested.

Proviso.

SEC. 7. That in all cases cognizable in the probate

Where circuit court shall have jurisdiction. court, where any probate judge shall be interested, either as counsel, administrator, executor, guardian, heir or legatee, in the settlement of such estate, the business relating thereto, shall be transacted in the circuit court of the proper county.

CHAPTER XXX.

An act to legalize the proceedings of the probate court of the county of Pike.

[APPROVED, JANUARY 29, 1830.]

Acts legalized. *Be it enacted by the General Assembly of the state of Indiana, That the acts and proceedings of the probate court of the county of Pike, had on the second Monday in December 1829, be, and the same are hereby legalized; and that all such acts and proceedings, shall have the same force and effect, as if the term of said court had been held on the first Monday in said month.*

This act to be in force, from and after its passage.

CHAPTER XXXI.

An act for the relief of Martha McBride.

[APPROVED, JANUARY 28, 1830.]

Divorce. *Be it enacted by the General Assembly of the state of Indiana, That Martha McBride, of Dubois county, be, and she is hereby divorced from the banns of matrimony, from her husband Daniel McBride, as fully as if the said banns of matrimony had never been entered into.*

This act to take effect and be in force from and after its passage.

CHAPTER XXXII.

An act to amend the acts concerning divorces.

[APPROVED, JANUARY 29, 1830.]

Limited to citizens. *Be it enacted by the General Assembly of the state of Indiana, That the laws of the state of Indiana, concerning divorces, shall only extend to citizens of the said state, who shall have resided within the same, twelve months previous to making said application for divorce.*

This act to be in force from and after its passage.

CHAPTER XXXIII.

An act providing for the election of Constables.

[APPROVED, JANUARY 30, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That the qualified voters within the respective townships in the county of Wayne, shall meet at the usual places of holding elections, on the first Monday of April, and annually thereafter, for the purpose of electing as many constables as the boards doing county business may order to be elected: Provided, however, That where no constables may be elected, or not a sufficient number, the board doing county business may supply by appointment.*

Constables in Wayne co.

SEC. 2. *The elections authorized by this act, shall be conducted in the same manner that general elections are conducted, and on the returns of said elections, the clerk of the circuit court of the said county, shall issue to each constable elected, a certificate of his election under the seal of the circuit court; and when the constable so elected shall have entered into bond with security, approved of by said clerk, as is required by the existing laws of this state, he shall be authorised to do and perform all the duties, and be governed in all respects by the laws now in force in this state.*

Clerk to grant certificate of election.

Bond.

CHAPTER XXXIV.

An act supplemental to an act, entitled "An act to provide for a more certain return of votes for Governor and Lieutenant Governor."

[APPROVED, DECEMBER 31, 1829.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That hereafter it shall be the duty of the clerks of the several circuit courts in this state, in addition to what is now required of them by law, to transmit by mail directed to the secretary of state, within ten days after the returns shall have been received by them, a certified statement of the votes given for governor, lieutenant governor, and members of congress; and should any clerk neglect or refuse to perform the duties required of him by this act, he shall be liable to all the penalties prescribed in the nineteenth section of the act, entitled "An act to regulate general elections," approved January 7th,*

Clerks to certify returns to sect. of state.

Sect'y's duty. 1818. And it shall be the duty of the secretary of state, as fast as he receives said returns to give a list thereof to some one of the editors of newspapers in the town of Indianapolis, that the same may be published for the information of the people, and that the postage on said returns shall be paid out of the state treasury.

CHAPTER XXXV.

An act to amend an act subjecting real and personal estate to execution, approved January 30, 1824.

[APPROVED, JANUARY 29, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That when default or defaults, shall be made, or suffered, by any mortgager, or mortgagers of lands, tenements or hereditaments, or by his, her, or their heirs, executors, administrators and assigns, of, or in the payment of the mortgage money, or performance of the condition or conditions, which they, or any of them, should have paid or performed, or ought to pay or perform, in such manner and form, and according to the tenor, purport and effect of the respective provisions, conditions, or covenants, comprised in the deeds of mortgage in defeasance, and at the days, time and places, in the same deeds respectively mentioned and contained, in any purchase; it shall and may be lawful, to and for the mortgagee, or mortgagees, and him, her or them that hold the said deed of defeasance, and his her or their heirs, executors, administrators or assigns, any time after the expiration of the last day, whereon the said mortgage money ought to be paid, or other conditions performed as aforesaid, to file his, her or their bill in the proper circuit court, according to the course of the common law, praying said court to foreclose the equity of redemption to said mortgaged premises; and the said court, shall, having jurisdiction thereof, make such equitable decree between the parties, as shall be right and just; and the said mortgaged premises, if ordered to be sold, by said court, shall be sold as other lands are sold, on execution at public vendue, to the highest bidder; and the sheriff selling the same, shall make a proper deed to the purchaser, as in cases of the sale of other lands, when sold on execution; and when the said lands and hereditaments, shall be sold as aforesaid, the person or persons, to whom they shall be sold, shall and may, hold and enjoy the same, with their appurtenances; and such estate or estates, shall be discharged from all equity and benefit of redemption, and all other

Mortgages,
how foreclo-
sed.

Mortgaged
premises, how
sold.

Deed.

incumbrances made, or suffered by the mortgagees, their heirs or assigns; and such sales shall be available in law; and the respective vendees, mortgagees and creditors, their heirs and assigns, shall hold and enjoy the same, free and discharged as aforesaid; but before such sale shall be made, notice shall be given in writing in manner and form, as is herein above directed, concerning the sale of lands upon execution, any law or usage to the contrary notwithstanding.

Notice of sale.

SEC. 2. That the eighteenth section of the act to which this is an amendment, be, and the same is hereby repealed: *Provided*, This repeal shall only apply to mortgages made and entered into after the taking effect of this act; and shall not be construed to apply to mortgages, made and existing, or in any way regulate proceedings, to affect mortgages, or contracts made and entered into, previous thereto; and all mortgage contracts, existing at the taking effect hereof, shall be foreclosed and acted on, according to the law in force at the period of their dates.

Repeal.

Proviso.

CHAPTER XXXVI.

An act to amend the act regulating estrays, and water crafts going adrift.

[APPROVED, JANUARY 29, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That if any person or persons, authorised by an act to which this is an amendment, approved January 7, 1824, shall take up any flat boat, perogue, canoe, raft or other craft or article going adrift, it shall be the duty of the taker up, to proceed in every respect as prescribed in said act; which property so taken up, shall be vested in the taker up at the expiration of sixty days, unless previously claimed by the proper owner; and it shall be the duty of the taker up, at the expiration of the said sixty days, to pay to the clerk of the circuit court, twenty per centum of the appraised value of such article or articles, to be applied, as other funds, to the support of the proper county seminary.

Articles, when
to vest in taker up.

Portion to be
paid to clerk.

SEC. 2. That if any person or persons, being legally authorised, agreeably to the act to which this is an amendment, shall take up any animal specified in said act, and shall have complied with the provisions thereof, the property so taken up, shall be vested in the taker up at the expiration of twelve months, unless previously claimed by the proper owner. And it shall be the duty of the taker up, at the time the animal or animals shall be so vested, to pay over to the clerk of the circuit court

Animals,
when to vest
in taker up.

Portion to be
paid to clerk.

of the proper county, twenty per centum of the appraised value of such animal or animals so taken up, to be applied to county seminary purposes. *Provided however,* That if the proper owner shall prove such estray or estrays to be his or her property, at any time, it shall be at the option of the taker up, for the owner to receive such estray or estrays, or the appraised value thereof, reserving always to the taker up, all legal costs and such reasonable charges for keeping and preserving the same, as the tribunal before whom the estray or estrays may be proven, shall adjudge to be just: *And provided also,* That whenever the owner of any estray animal, shall prove his or her property, in that case, it shall be the duty of the board doing county business, at their next session thereafter, to cause an order to be entered on their record, for the repayment of the per centum which had been paid over for seminary purposes: *And provided further,* That whenever the owner of any water craft or other article, as specified in the first section of this act, shall have been proven his or her property, the board doing county business, shall order the repayment of the twenty per centum as in the case of estray animals.

Proviso in favor of owners.

Further proviso.

Further proviso.

Duty of taker up and appraisers as to cattle, &c.

SEC. 3. That it shall be lawful for the taker up of any neat cattle, hogs, sheep or goats, to have the same appraised at his or her place of residence, by two respectable householders, who shall go before some justice of the peace of the proper county, and certify on oath the value of the estray animal, or animals, by them appraised; also a description of the same, the marks, brands, &c. and such justice, shall transmit the same to the clerk, as provided by the act to which this is an amendment; and for which appraisalment and certificate, the said appraisers shall receive twenty-five cents each, to be paid by such taker up.

Taker up to give bond.

SEC. 4. It shall be the duty of the taker up of any property going adrift, or estray animal, after paying over the twenty per centum of the appraised value of the same, to the clerk of the circuit court, to give bond and approved security, to the county treasurer, for the remainder of the appraised valuation of said property. Which bond, shall be delivered up to the owner or owners, if he, she or they, shall call for the same, and the owner or owners, shall be authorised to sue for and recover the amount of said bond, in the name of the county treasurer, in any court having jurisdiction of the same, deducting therefrom in favor of the taker up, all legal costs incurred by him, also all reasonable charges for keeping such estray or estrays, or for preserving such water craft going adrift, to be ascertained as is provided by the provisions of this act: *Provided,* That the treasurer, shall not be

Suit.

Proviso as to treasurer's duty.

bound to deliver up said bond, until he is satisfied by reasonable evidence, that the person applying for the same, is the lawful owner of the property going adrift, or estray animal or animals taken up as aforesaid, or his or her lawfully authorized agent: *And provided further,* That in no case, shall the property or estray animals aforesaid, vest in the taker up, until he, she or they, shall have paid the per centum aforesaid, and given bond as aforesaid.

SEC. 5. If any person, on whom any duty is enjoined by this act, shall neglect or refuse to perform the same, each and every person or persons so offending, shall be liable to all the pains and penalties, provided for in the act to which this is an amendment. Penalty:

SEC. 6. So much of the act, to which this is an amendment, and any other act on the same subject, as comes within the purview of this act, be and the same are hereby repealed. Repeal.

CHAPTER XXXVII.

An act in relation to certain Ferries.

[APPROVED, JANUARY 29, 1830.]

WHEREAS there are certain public highways in this state, that cross certain streams of water, which are at particular seasons impassable, but as those streams generally become fordable in a few days, few individuals are willing to establish ferries over such streams, and incur the expense of ferry license, under such circumstances; the consequence has been, that no ferries on such streams have been established, to the great inconvenience and damage of travellers, for remedy whereof, Preamble

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That it shall be lawful for the boards doing county business, in any county, to grant a ferry license, without any tax or fee therefor, to any person being the owner or occupier of the land on any public road, where a river or creek crosses the same, if it shall appear to them that the public will be benefited thereby. *Provided, however,* That the foregoing provisions, shall only extend to those streams, which are impassable, only for short periods, and when the boards doing county business in the proper county, shall be satisfied that the profits arising from such ferry, would not justify the owner thereof to pay a ferry tax. *And provided also,* That every ferry established under the provisions of this act, shall be sub- License without tax. Proviso. Further proviso.

ject to all the rules, regulations and restrictions, that ferry keepers are, under the acts now in force, regulating ferries, except so far as relates to paying ferry tax.

Ferry in Morgan county. SEC. 2. *Be it further enacted,* That the board of commissioners of Morgan county, be and they are hereby authorized, to make a just and reasonable contract with the owner or owners of any ferry or ferries, in the county of Morgan, to ferry over any person or persons, citizens of said county, who may be under the necessity of crossing at such ferry or ferries, in the discharge of any public service: *Provided,* such person or persons, are not by law entitled otherwise to remuneration, for the expense of crossing at such ferry or ferries.

Expense: SEC. 3. That the expenses accruing in pursuance of this act, shall be paid out of the treasury of the county of Morgan.

In Marion county. SEC. 4. *And be it further enacted,* That the provisions of this act, be and they are hereby extended to the board of justices of the county of Marion: *Provided,* That if said board; should not deem it expedient, to contract with the owner of ferries on White river, in the county of Marion, for the ferrage of all persons living on the west side of said river, required to cross said river, to do military duty, when the same is not fordable, such persons shall not be liable to be fined for the non performance of such duty.

CHAPTER XXXVIII.

An act extending the corporation of Madison.

[APPROVED, JANUARY, 25, 1830.]

Corporation limits extended. SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That all the territory which lies immediately south of the present recorded plat of the town of Madison, between high street and the Ohio river, be and the same is hereby attached to, and made part of the incorporated town of Madison; which shall forever hereafter be subject to, and under the jurisdiction and control, of the board of trustees of said town, for the purpose of taxation, improvement or otherwise, under the restrictions hereinafter contained.

Jurisdiction and power. SEC. 2. The trustees of said town, are hereby authorized, to exercise full and ample jurisdiction, over all streets and alleys, within the territory hereby attached to said town, and direct whenever it may become necessary, (agreeably to the provisions of the 3d section of an act, entitled "an act amending the several acts to incorporate the town of Madison, approved January 2, 1829,") the

grading and paving of any, or all of said streets or alleys, and are hereby authorized, to assess and collect, a tax upon the same, (according to the valuation thereof,) from all lots or blocks of ground, situate, lying and being contiguous to, or binding upon, the street or alley to be paved, for the purpose of grading or paving said street or alley, but for no other purpose whatever. **Taxes.**

SEC. 3. That said trustees are hereby further authorized, to order all lots, that have been or may hereafter be sold, in small or building parcels, to be assessed for taxable purposes, in the same manner that lots now are, and have been assessed and taxed, in the old incorporated town. **Property assessed.**

SEC. 4. That the tax hereby authorized to be assessed, for the improvement of any street, shall be on the ground fronting on the street, to be improved, the full extent of its front, and running back its full depth: *Provided,* The same does not exceed one hundred and sixty eight feet. **Taxes how applied.**

This act to be in force, from and after its passage.

CHAPTER XXXIX.

An act to repeal an act entitled "an act to incorporate the townships of Shelby county."

[APPROVED, DECEMBER 28, 1829.]

Be it enacted by the General Assembly of the state of Indiana, That the act entitled, "an act to incorporate the townships in Shelby county," approved January 17, 1829, be and the same is hereby repealed. And the clerks of the several townships in said county, be and they are hereby authorized and required, to deposit in the clerk's office of said county, on or before the first Monday in May next, a true copy of the several road districts in their proper townships, that may have been established by the board of trustees, and the same shall not be changed except by an order of the board of county commissioners. **Repeal.**

Duty of township clerks. This act to take effect, and be in force, from and after its passage. **Roads.**

CHAPTER XL.

An act giving further powers to the President and Select council, of the town of Lawrenceburgh, in the county of Dearborn, Indiana.

(APPROVED, JANUARY 29, 1830.)

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That whenever hereafter it may be consider-

Piers, &c. may be constructed.

Petition to circuit court.

Notice.

Jury.

Decree.

Proviso.

By-laws, &c.

Vacancies how filled

ed expedient, by the president and select council, of the town of Lawrenceburgh, to construct any dock, pier, basin or harbour within said town, or contiguous thereto, for the benefit of the public, whereby it may become necessary for the said president and select council, to have the possession and control of any lot or land, over or upon which the said improvement may be placed; in such case, it shall be lawful for the said president and select council, to file in the clerk's office of the Dearborn circuit court, their petition in writing, setting forth the improvement desired to be made, the particular property to be affected thereby, and the names of the owner or owners thereof, if known, and praying for relief, as designed to be given by this act; on the filing of which petition, thirty days before the sitting of said court, and on proof made to the satisfaction of said court, that notice of the filing of the same had been given, by publication in a public newspaper, printed and published in the county of Dearborn, for the same space of time, it shall be the duty of said court to empanel a jury, in the same manner as in other cases, who shall be sworn faithfully and impartially to execute the duties required of them by this act; and shall then under the direction of the sheriff, or other officer of said court, proceed to view the premises set forth in said petition, and therein desired to be used and appropriated for the purposes aforesaid, and shall estimate the value thereof, and return the same to the said court; on return whereof, the said court shall decree thereon as shall be deemed right and equitable, and as shall be most effectual to vest the title to such premises, or other interest prayed for, in the petitioners: *Provided, however,* That in no case shall the same vest in, or be transferred to said petitioners, until the value thereof, as found by the jury, shall be paid, either to the owners thereof, or into the said court for their benefit.

SEC. 2. *Be it further enacted,* That the said president and select council, be and they are hereby vested with full power and authority, to pass and enforce, any by-law, ordinance or regulation, necessary to construct any such improvement aforesaid, and to defray the expense thereof, as shall be just and equitable; and to regulate the manner of using such dock, pier, basin or harbor, and the prices and rates of wharfage, and the collection of the same.

SEC. 3. *Be it further enacted,* That whenever hereafter any vacancy shall occur in the office of president, or member of the select council of said town, it shall be lawful for the other members thereof, to fill such vacancy, until the next annual election.

SEC. 4. *Be it further enacted,* That this act shall be in force, from and after its passage.

CHAPTER XLI.

An act to exempt from imprisonment for debt, soldiers of the revolutionary war.

[APPROVED, JANUARY 29, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the body of each and every soldier of the revolutionary war, that now is, or may hereafter become, a citizen of this state, shall be exempt from imprisonment for debt, either on *mesne* or final process; any law, custom or usage to the contrary notwithstanding. Exemption.

SEC. 2. All soldiers of the revolutionary war, who are regularly enrolled upon the pension list, shall be entitled to the provisions of this act, and shall be privileged from arrest, or entitled to be discharged from imprisonment from debt hereafter to be contracted, upon the production of evidence of such enrolment. How discharged.

This act to be in force from and after its passage.

CHAPTER XLII.

An act to incorporate the town of Jeffersonville, in the county of Clark.

[APPROVED, JANUARY 28, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Athanasius Wathan, James Keigwin, William H. Hurst, Charles Sleade and John R. Winn, be appointed a board of trustees for the town of Jeffersonville, a majority of whom shall meet on or before the first day of March next, and choose out of their own body a president; and the president and trustees shall hold their offices until the first Monday of June next, and until their successors are chosen and qualified agreeably to the provisions of this act; and the said president and trustees and their successors in office, shall be, and are hereby created and made a corporation and body politic, by the name and style of the "President and Trustees of the town of Jeffersonville;" and by that name shall be, and are hereby made able and capable both in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any court in this state; and shall make, ordain, establish and put in execution, such by-laws, ordinances and regulations, as they may deem necessary, to keep in repair the streets and alleys of said town, to remove nuisances of every kind, to erect market houses and other public buildings, to sink and keep in repair public wells, to improve the Trustees.

river bank in front of said town, make roads and wharves and keep the same in repair, and generally to make, ordain, establish and put in execution such by-laws, ordinances and regulations for the good government of the said town, as they the said president and trustees, may deem necessary; not inconsistent with the constitution and laws of this state.

Annual election.

Notice.

SEC. 2. The said corporation shall have perpetual succession, and for that purpose the qualified voters residing within said town, shall annually elect by ballot, five freeholders as trustees, who shall choose from their number a president, and shall hold their offices until their successors are elected and qualified; and it shall be the duty of said president and trustees, to give ten days notice by an advertisement set up in three or more public places in said town, that the qualified voters may meet on the first Monday in June 1830, and annually thereafter on the same day, and elect by ballot five freeholders as trustees; and at every election the preceding board of trustees shall direct the manner in which the same shall be conducted. And should the president and trustees refuse or neglect to order such annual election, at the time herein provided for, it shall and may be lawful for said president and trustees, to order an election to be held at any time within sixty days thereafter; and should they refuse or neglect to make such order, within said sixty days, then it shall and may be lawful for any justice of the peace residing within said town, on the request of three or more respectable freeholders in said town, to give notice and order an election of five trustees, and direct the manner in which the same shall be conducted; and should there be at any time any vacancy in said board, either by death, resignation or otherwise, such vacancy shall be filled by an election by the qualified voters, on a day appointed by the remaining trustees; and the returns shall be made in such manner as shall be directed by said trustees.

Vacancies, how filled.

Business, how transacted.

Members, how punished.

SEC. 3. That a majority of said trustees shall constitute a quorum to transact business, but a less number may make adjournments, and shall have power to compel the attendance of absent members, by imposing such fine on delinquents, as will ensure their attendance; and the said board of trustees, shall be the judges of the election of their own members and officers, and two thirds of the members concurring, may remove and expel any member, or officer of the board, for mal-conduct or highly disorderly behavior.

Officers, and how appointed.

SEC. 4. That the said president and trustees, shall appoint a clerk to their board, an assessor, collector and treasurer, and such other officers as they may find necessary; who shall, as well as said trustees, before entering into the duties of their offices, severally take an oath or

affirmation, faithfully and impartially to discharge the duties of their respective offices; and it shall be the duty of the collector and treasurer respectively, before entering upon the duties of their offices, to give bond with good security, payable to the said president and trustees, conditioned for the faithful discharge of the duties of their respective offices; and said board of trustees, shall allow their officers such compensation for their services, as they may deem reasonable.

SEC. 5. The said president and trustees, shall have full power and authority to assess, levy and collect, annual taxes, on all real estate within said town, not exceeding fifty cents on every hundred dollars, of assessment valuation thereof; also a reasonable tax, on all other property which they may deem proper subjects of taxation; also a poll tax on every qualified voter residing in said town, of not exceeding fifty cents each; and shall prescribe by ordinance, the duties of the assessor of said corporation, the time and manner of making the assessment, valuation and return of the taxable property in said town; and the collector of said corporation, shall have full power and authority, to collect all taxes assessed and levied by said board of trustees in manner aforesaid, by distress and sale of the goods and chattels of the person chargeable with said tax; and if no goods or chattels can be found, it shall be lawful for said collector, to seize and sell, any lot or part of lot, or so much thereof as will pay the taxes due and in arrear on the same, together with the costs of sale, and convey the same to the purchaser, subject to such rules, regulations, restrictions and right of redemption, as the said board of trustees may prescribe, by ordinance, not inconsistent with the revenue laws of this state.

SEC. 6. The limits of said corporation, shall be co-extensive with the recorded plat of said town; and said president and trustees, and their successors, shall have the control and management of the public buildings of said town, to wit: The old court house, jail, and market house, for the use and benefit of the citizens of said town; and the said president and trustees, and their successors, shall be and are hereby vested, with all the real and personal property, and choses in action, belonging to the former corporation of the town of Jeffersonville, and in their said corporate name may proceed, in the collection of the same, in like manner as the former president and trustees of said town could have done; and shall moreover, provide for the payment and satisfaction of all just demands against the former board of trustees of said town.

SEC. 7. That the justices of the peace, residing within

Oath.

Bond.

Compensation.

Taxes.

Assessor.

Collector.

Lots, how sold.

Limits of corporation.

Town buildings.

Rights of former board transferred.

Jurisdiction,
fines, &c.

the limits of said corporation, shall respectively, have jurisdiction of all offences against the laws and ordinances of said corporation, and may punish by fine and imprisonment, in the corporation jail, any time not exceeding forty days; and it shall be lawful to imprison in said jail, any person charged with a breach of the penal laws of the state, until such person can be conveniently removed to the county jail.

This act shall take effect and be in force, from and after its passage.

CHAPTER XLIII.

An act to incorporate a company to make a turnpike road from New Albany in Floyd county, by Greenville, Paoli, Mount Pleasant, and Washington, to Vincennes in Knox county.

[APPROVED, JANUARY 29, 1830.]

Commission-
ers and their
duties.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Samuel Tomlinson, John C. Clark and James Smith of the county of Knox, Michael Murphy, Joseph Warner and George Roddick of the county of Daviess, Lewis Brooks of the county of Martin, William Lindley and William Scribner of the county of Orange, John Gregg of the county of Washington, Hays McKellin of the county of Harrison, David M. Hale and Mordecai Collins of Floyd county, be, and they are hereby appointed commissioners, whose duty it shall be, on the first day of July* next, after giving at least four weeks public notice thereof, in four of the public newspapers in this state, to procure proper books and open the same for subscription to the stock of the New Albany and Vincennes turnpike road company; at which time, some one of the said commissioners shall attend, and permit all persons of lawful age, who shall offer to subscribe in said books, in their own name, or the names of any others if they be authorized so to do, for any number of shares in the said stock; and the said books shall be kept open until the said books shall have two thousand shares of stock subscribed therein; *Provided always*, That every person so subscribing, shall pay to the attending commissioner the sum of five dollars for each and every share of stock to be subscribed, which shall be paid over to the treasurer of the company, as soon as the same shall be organized, and the officers chosen as hereinafter mentioned: *And provided further*, That the omitting to pay the said sum of five dollars to the attending commissioner, shall not vitiate or in any manner prevent the recovery of said subscription.

Shares.

Proviso.

Further pro-
viso.

*Should read "first Monday of May." See 2d section.

SEC. 2. That books shall be opened for subscription to said stock, as above, by the attending commissioners at the following places, to wit: At New Albany in Floyd county on the first Monday of May next; at Salem in Washington county on the second Monday of May next; at Paoli in Orange county on the third Monday in May next; at Mount Pleasant in Martin county on the first Monday in June next; at Washington in Daviess county on the second Monday in June next; at Vincennes in Knox county on the third Monday in June next: and previous to entering upon the duties hereby enjoined, each of said commissioners shall enter into and file in the clerk's office of the county in which he may respectively reside, a bond in the penalty of two thousand dollars with freehold security to be approved by such clerk, conditioned for the faithful discharge of the duties enjoined by this act, and shall also take an oath at the same time to the same purport.

Books where
and when to
be opened.

Commission-
ers bond.

SEC. 3. That when ten or more persons shall have subscribed two thousand shares, at the price and terms per share in this act stated, of the said stock, the said subscribers and their associates, who may afterwards unite with them for the same purpose, shall be and are hereby ordained, constituted and declared, to be a body politic and corporate, in fact and in name, by the name of "The New Albany and Vincennes Turnpike Road Company;" and by that name they and their successors and assigns, shall and may have continual succession, and be persons in law capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all courts whatsoever; and that they and their successors by the said name and style, shall be capable of transacting any of the business by this act authorised, and shall have a common seal which they may make and alter at pleasure.

Corporate
name and
powers.

SEC. 4. That the amount to be paid to complete each share, shall be fifty dollars; which, after the first payment of five dollars on subscribing, shall be due in instalments of five dollars each, every succeeding six months, until the whole payment is completed: and if any stockholder shall neglect to pay at the place appointed, any such instalment when due, three per cent. per month shall be charged upon such amount due on such share, until the same with the instalment due, shall be equal to the amount paid in on such share, when the same shall be forfeited to said company, and may be sold for the best price it will bring; or, on such default of payment, the president and managers of said company, may recover such amount of instalment and penalty, by suit in any court having jurisdiction: *Provided*, That no votes shall at any time be allowed in virtue of any share, upon which any

Shares when
payable.

Forfeiture.

Proviso.

amount of instalment or penalty may be due and unpaid.

State may
subscribe.

SEC. 5. That the treasurer of state, be and he is hereby authorised and directed, to subscribe one hundred shares, on behalf of the state of Indiana, in the capital stock of the said company; which shall be paid in regular instalments as required above on shares, by the said treasurer; for the purpose whereof five thousand dollars are hereby appropriated and set apart, out of the three per cent. fund of this state, after the prior appropriations from said fund are duly honored and satisfied; and of which said sum subscribed, the sum of two thousand dollars, heretofore appropriated out of the said fund, for the improvement of the Wabash river, is hereby transferred to be applied by the treasurer, towards the first instalments; and which said sum of two thousand dollars, shall be repaid out of the said five thousand dollars for the improvement of the said Wabash river, when required by law for that purpose: *Provided*, That the subscription and payments authorised by this section, shall for every such share subscribed and paid, vest in the state all the rights, estates and emoluments, appertaining to a share or shares held by individual stockholders; and as a dividend shall be declared by the president and managers, the proportion thereof due the state, shall be paid into the treasury of this state; and with the same rights, privileges and interests, it shall and may be lawful for the government of the United States, or any state, or corporation, to subscribe for any number of shares of stock in said company: *And provided also*, That the sum of twenty thousand dollars shall be subscribed by individuals, United States, corporations or states, and actually paid in, before the said appropriation, or any part thereof, shall be applied as aforesaid by the treasurer of state.

Proviso.

Further pro-
viso.

Company
how organi-
zed.

Officers.

SEC. 6. That the first three named persons, or a majority of them and their successors in office, shall, as soon as convenient, (not exceeding twenty days) after five hundred shares shall have been subscribed, give at least four weeks notice, in the newspapers in which publication shall have been made under the first section of this act, of the time and place, on the route of said road they may fix upon, at which the subscribers shall meet to organize said company, and shall choose for that purpose by a majority of the votes of said subscribers, by ballot to be given in person, or by proxy duly authorised, one president and five managers, a secretary, treasurer, and such other officers if any, as shall be deemed necessary; and such president and officers, shall continue in office until the first Monday in January then next ensuing, and until others are chosen; on which said day, and annually thereafter, the said com-

pany shall hold their elections for officers. The business of the said company shall be conducted by said president and managers, for which purpose they may make such by-laws, rules, orders and regulations, as are not inconsistent with the laws and constitution of the United States or of this state, and as may be necessary for the well-governing the affairs of said company; but which may be altered, amended or repealed by a majority of the votes of the stockholders, at any annual meeting aforesaid; to do and perform which, as well as any other corporate act, they the said stockholders are hereby fully authorised.

By-law.

SEC. 7. That in case it shall happen at any time, that an election of officers shall not be made on any day, when by this act or any by-law under it, it should have been made, the said corporation shall not for that cause be deemed to be dissolved, but an election may be held, at such future day as may be appointed under the by-laws of the said corporation.

Future elec-
tions.

SEC. 8. That the stock of said corporation, shall be assignable, according to such rules as the president and managers may make; and for that or any other legal purpose, a majority of the managers for the time being, shall form a board or quorum; and proper books of account shall at all times be kept, which shall be at all times subject to the inspection of any stockholder of the company.

Stock assigna-
ble.

SEC. 9. That each stockholder shall be entitled to vote according to the number of shares he or she may hold, in the proportion following, that is to say; for every share not exceeding two, one vote; and for every ten shares above said first two, and not exceeding one hundred, one vote; but no share or number of shares above one hundred, shall confer any additional right of voting.

Who entitled
to vote.

SEC. 10. That it shall be the duty of the president and managers aforesaid, or a majority of them as a board, when duly constituted, to proceed by their engineers, surveyors, artists and chain bearers, to construct the said turnpike road between the point of commencement, the town of New Albany in Floyd county, to the town of Vincennes in Knox county, by the towns of Greenville, Paoli, Mount Pleasant and Washington, in such manner as to combine shortness of distance with suitable ground and other conveniences; and for that purpose it shall be lawful for them, by their said agents and workmen, to enter into and upon all and every the lands, tenements and inclosures, in, through and over which the said turnpike road may be thought proper to pass; and examine the ground most proper for the purpose, as well as the materials in the vicinity suitable for such road; and to survey, lay down and mark such route for said road, as their best skill and judg-

How roads to
be located.

Powers of
commission-
ers.

ment shall dictate for the interests thereof: and generally, they shall have like powers and authorities, for the taking and using any such materials as may be convenient to the route of said road, as are given to commissioners of state roads, or to supervisors of public highways for the opening and improving the same; the said company being liable to the respective owners, for the reasonable value thereof, and also for any waste, or abuse of this privilege.

Description
of road.

SEC. 11. That the said road shall be made not less than sixty feet in width, and at least twenty five feet of said width, shall be made an artificial road of wood, stone, gravel, or other proper or convenient materials, as the nature of the ground may require, to be constructed in such a manner as to secure a firm, and, as near as the nature of the ground and the materials will admit, an even surface; and in such places, where the road shall not be made altogether of stone, to rise towards the centre by a gradual arch, to the height of eighteen inches; and in no place on said road, shall there be an elevation of more than five degrees from a horizontal line; and good and sufficient bridges shall be erected over all the streams of water crossed by said route, wherever the same shall be found necessary, except across the two White rivers, the banks of which shall be graduated to correspond with the residue of said road; and the said road, bridges and all improvements thereon, shall be forever thereafter maintained in good order and repair.

Road how
approved.

SEC. 12. That whenever, and as often as the said company shall have finished five miles or more of said road, the president thereof, shall give notice to the governor, who shall thereupon forthwith appoint a skilful, judicious and disinterested person to view and examine the same, and report, on oath or affirmation, to him, whether the road is so far executed in a competent and workmanlike manner, according to the true intent and meaning of this act; and if their report shall be in the affirmative, then the governor shall by license under his hand and the seal of the state, permit and suffer said company, to erect and fix, such and so many gates, upon and across the said road, as will be necessary and sufficeint to collect from all persons traveling the same, otherwise than on foot, the tolls hereinafter authorized and granted: *Provided*, That no such gate shall be erected within half a mile of any town on said road, nor shall any person attending funerals, military parades, trainings or courts martial, electors attending on days of general elections, persons going to or returning from mill on horse back, or persons attending worship, or returning, in any such instance, shall be chargeable on such occasions with any such toll.

Toll gates.

Proviso.

SEC. 13. That when said road is completed, or such parts thereof, from time to time as aforesaid, and the same shall have been examined proved and licensed, in manner aforesaid, it shall and may be lawful for the board of managers to appoint such and so many toll gatherers, as they may think proper, to collect and receive of, and from every person or persons using the road, the toll rates herein mentioned.

Toll gather-
ers.

SEC. 14. That it shall be duty of the gate keeper or keepers, to fix up at each turnpike gate, a printed list of the rates of the toll allowed by this act, for the inspection of such person or persons as may travel the said road; and if any toll gatherer shall demand from any person or persons, using said road, any greater rate of toll than by this act is authorised and allowed, such toll gatherer shall forfeit and pay the sum of ten dollars, for every such offence, to be applied to the repairing of said road, to be recovered before any justice of the peace in manner aforesaid.

List of rates

SEC. 15. That no suit or action shall be brought or prosecuted, for any penalties incurred under this act, unless such suit or action be commenced within six months, next after the fact committed, unless the party of their own act prevent its being sooner brought; and the defendant or defendants in such suit, or action, may plead the general issue and give this act and the special matter in evidence.

Suits limited.

SEC. 16. That the said company shall keep a just and true account, of all and singular the monies to be received by their several and respective collectors of tolls, at the several gates on said road, from the beginning to the end thereof, and shall make and declare a dividend of the clear profits and income thereof, (all contingent cost and charges, being first deducted) among all the stockholders of said company; and shall at least twice in every year, publish the half yearly dividend, to be made of the said clear profits, among the stockholders, and of the time and place, when and where the same will be paid, and shall cause the same to be paid accordingly.

Accounts and
dividend.

SEC. 17. That if any person or persons, shall open or make any road or passway, leading from said turnpike road, and re-unite said road or passway with said turnpike road, or any other road connected therewith, with an intent, and for the purpose of avoiding or aiding others to avoid any gate on such turnpike road, he or they shall forfeit and pay, to the use of said corporation so intended to be injured, a sum not less than two hundred, nor more than one thousand dollars, to be recovered in an action of trespass on the case: *Provided, however*, That nothing in this section contained, shall be construed, to extend to the opening or making of any county road.

Penalty for
avoiding
road.

Proviso.

Penalty upon
gate keeper.

SEC. 18. That if any turnpike keeper or agent of said company, shall unreasonably delay or hinder any person driving any cart or wagon, carriage or sled, or otherwise travelling, from passing any turnpike gate or toll bridge, such person shall forfeit and pay, to such person so delayed or hindered, a sum not less than two, nor more than twenty dollars, to be recovered by such person, by a special action on the case, before any justice of the peace of the proper county.

Penalty on
travellers.

SEC. 19. That if any person shall refuse to pay the toll or tolls imposed by this act, at the respective places at which they may be demanded by law, or shall evade the payment thereof by going around the toll gates, such toll shall be recovered by warrant issued by any justice of the peace, of the county in which the payment of such toll may be demanded, by virtue of this act, or in the county in which such person may live; and all such justices, are hereby authorized and required, to issue such warrant, on the application of the agents of said company, and to hear and determine the said complaint, and to pass judgment and award execution thereon, in the same manner as they are authorized to proceed in other cases for like sums. And if any person or persons shall pass any such turnpike gate, without paying the fees established under the authority of this act, or in any way avoid, or attempt to avoid the same, he or they, so offending, shall forfeit and pay ten dollars, for the use of said company, which may be recovered before any justice of the peace in this state, at the suit of the company, by its officer, agent or gate keeper.

Penalty for
obstructing
road.

SEC. 20. That if any person shall obstruct any part of the turnpike road, constructed under this law, and shall suffer such obstruction to remain, to the hindrance of passengers, such persons, so offending, shall forfeit and pay for every such offence, any sum not exceeding fifty dollars, to be recovered with costs of suit, before any justice of the peace of the county, where the offence shall happen, in the name and at the suit of the said company; and upon the oath of one or more credible witnesses, judgment shall be rendered and collected, as other debts are of a similar amount; and if any person, fined as aforesaid, shall suffer such obstruction to remain, to the hindrance of passengers as aforesaid, he or they, so offending, shall forfeit the sum of five dollars for each day he may so suffer such obstruction to remain, to be recovered before any justice of the peace, as above; all of which recoveries by this section, shall be for the use of the company.

SEC. 21. That the company having perfected the said road, or such part thereof from time to time as aforesaid, and the same being examined, approved and licensed, as

aforesaid, it shall and may be lawful for them to collect and receive, of and from all and every person or persons using the said road, (excepting as before mentioned) the tolls and rates hereinafter mentioned; and to stop any person riding or leading any horse or driving any cattle, hogs or sheep, or driving any coach or coachee, sulky, chair, chaise, phaeton, cart, wagon, waine, sleigh, sled, or other carriage of burden or pleasure, from passing through the said gate, until they shall have respectively paid the same, that is to say: for every five miles of said road, completed and licensed as aforesaid, the following sums of money, and so in proportion for any greater or less number of sheep, hogs or cattle, to wit: for every score of hogs, six cents; for every score of sheep, six cents; for every horse and his rider, or led horse, three cents; for every sulky, chair or chaise with one horse and two wheels, six cents; and with two horses, nine cents; for every chariot, coach, phaeton or chaise with four wheels and two horses, twelve and an half cents; for either of the carriages last mentioned, with four horses, twenty cents; for every other carriage of pleasure, by whatever name the same may be known, the like sums according to the number of wheels and horses drawing the same; for every stage wagon, with two horses, twelve and an half cents; and for every such wagon with four horses, twenty cents; for every sled, two cents for each horse drawing the same; for every cart, the wheels of which shall not exceed the breadth of four inches, six cents for each horse drawing the same; for every cart or wagon the wheels of which shall exceed in breadth four inches, and not exceed seven inches, three cents for each horse drawing the same; for every cart or wagon, the breadth of the wheels of which shall be more than seven inches, and not more than ten inches, or, being of the breadth of seven inches, shall not roll more than ten inches, two cents for each horse drawing the same; for every cart or wagon, the breadth of the wheels of which shall be more than ten inches, and not exceeding twelve inches, or being ten inches shall roll more than fifteen inches, one cent for each horse drawing the same; for every cart or wagon, the breadth of the wheels of which shall be more than twelve inches, one cent for each horse drawing the same; and all carriages as aforesaid, which shall be drawn by oxen in the whole, or partly by oxen and partly by horses, two oxen shall be estimated as equal to one horse, in charging all the aforesaid tolls, and every mule as equal to one horse; and if any person or persons, shall represent to any toll gatherer of said company, that he, she, or they have travelled a less distance than he, she, or they have actually travelled along the said road, with intent to defraud the said company of their toll, or

Toll rates.

Defrauding
toll gatherer.

any part thereof, such person or persons shall for every such offence forfeit and pay to the use of said company any sum not exceeding five dollars.

Tolls to cease
when road is
out of repair.

SEC. 22. That if the said company shall neglect to keep the said road in repair, for the space of twenty days, and information thereof shall be given to any justice of the peace of the neighborhood within the county where the repairs ought to be made, such justice shall issue his precept to be directed to any constable of that county, commanding him to summon three disinterested freeholders to meet at a certain time in said precept to be mentioned, at such place on the said road as shall have been complained of, of which meeting notice shall be given to the keeper of the gate nearest thereto within the said county, and the said justice shall at such time and place, on the oaths or affirmations of the said persons, inquire, if the said road or any part thereof is in such good repair as aforesaid; and if upon such inquiry as aforesaid, the said road shall be found to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall cause an inquisition thereof, to be made under his hand, and at least two of the said persons, one copy whereof he shall certify and send to each of the keepers of the gates, between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such gates shall cease to be demanded, paid or collected, until such defective part or parts of said road, shall be put in good and perfect repair, as aforesaid; and if the same shall not be put into good and perfect repair, before the next circuit court to be held in the county in which such defect is found to be, said justice shall certify and send to said court, a copy of the inquisition aforesaid, who shall thereupon cause process to issue to bring in the body or bodies of the person or persons entrusted by the said company with the care and superintendence of such part of the said road, as shall be so found defective; and shall proceed thereon, as in case of supervisor of the highways, for neglect of their duty; and if he or they shall be convicted of the offence, according to the nature and aggravation of the neglect, as they in their discretion shall judge proper: *Provided*, That the fine in no case, shall be less than ten or more than one hundred dollars; and the fines so imposed, shall be recovered in the same manner as fines for misdemeanors are usually recovered in said county, and shall be paid to the supervisor of the highways of the district wherein the offence was committed, to be applied to repairing highways and public roads therein.

Superintend-
ents how pun-
ished.

Proviso.

SEC. 23. The treasurer and other officers employed by the said president and managers, shall give bond in

sufficient penalties, and with such securities as they shall by their rules, orders and regulations require, for the faithful discharge of the several duties and trusts to them or any of them respectively committed.

SEC. 24. That the board of commissioners appointed by the first section of this act, and their successors in office, shall annually appoint five acting commissioners on behalf of said board, who shall each receive such compensation as the president and managers may allow, for every day they shall be necessarily employed in the duties of their office; and which shall be paid to them out of the first receipts of the stock of the company after its organization, together with the expense of the advertisements, books &c. above authorised; and the governor for the time being shall fill any vacancy in said office of commissioner.

Acting com-
missioners.

SEC. 25. Any vacancy which may occur in any office of the said company, either as president or managers, or otherwise, between the time of the annual elections, shall be filled by the board of managers, until the time of the succeeding annual election.

Vacancies

SEC. 26. That the board of managers, shall keep and present at each annual meeting of the stockholders, a true account of all and singular the stock paid in, the expenditures and the receipts of said company, which shall be exhibited previous to the election taking place for officers.

Accounts.

SEC. 27. That if the said company shall not proceed to carry on the said work within the space of two years after they have incorporated; or shall not within ten years from the passing of this act, complete the said road then and in either case, all the rights, liberties and privileges hereby granted shall cease and determine.

Work when
to be com-
menced.

SEC. 28. That as a condition on which this act is passed, it is hereby declared and provided, that the said company, shall not at any time, be directly or indirectly engaged or concerned, in any banking, monied or commercial concern, or in any other business whatsoever, except such as may be necessary and proper for the performance of the several functions of a road company.

Banking
powers pro-
hibited.

CHAPTER XLIII.

An act to incorporate the Hamilton, Rossville and Richmond turnpike company.

(APPROVED JANUARY, 25, 1830.)

Commissioners appointed. SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That John Woods, William Taylor, Daniel Millikin, Robert Hewes, Caleb De Camp, James R. Mendenhall, Warner M. Leeds, William Sutherland, John C. Kibbey and David Hoover, be, and they are hereby appointed commissioners, under the direction of a majority to whom subscriptions may be received to the capital stock of the Hamilton, Rossville and Richmond turnpike company, hereby incorporated.

Subscriptions. SEC. 2. That so soon as said commissioners, or a majority of them shall have organized themselves, by written articles of association, for the government of the said company, in which this act shall be recognized, they may cause books to be opened, at Hamilton and Rossville Ohio, and at Richmond, in the state of Indiana, and at such other places, as they or a majority of them may direct, for the purpose of receiving subscriptions to the capital stock of said company, after having given at least thirty days notice of the times and places of opening said books of subscription; and if any of the said commissioners, shall die, resign, or refuse to act, during the continuance of the duties required of them by this act, another or others may be appointed in his or their stead, by the remaining commissioners, or a majority of them.

Vacancies.

Capital and shares. SEC. 3. That the Hamilton, Rossville and Richmond turnpike company, shall be capable of holding capital stock to the amount of \$150,000, divided into shares of \$50, each; that when one fourth, or a greater portion of said stock shall have been subscribed, in the manner herein before pointed out, then the said subscribers and such associates or other subscribers, as may thereafter be associated with them, their legal representatives, successors and assigns, shall be, and they are hereby declared, to be incorporated into a company, by the name and style of "The Hamilton, Rossville and Richmond turnpike company;" and by that name, they and their successors, shall have perpetual succession; and all the privileges and immunities, incidental to a corporation or body politic, and shall in their corporate name and capacity, be capable in law, of taking and holding capital stock, to the amount of \$150,000, and the increase and profits thereof, and of purchasing, holding, selling, leasing and conveying, estates, real, personal or mixed, so far as shall be necessary

Corporate name and powers.

for the purposes hereinafter mentioned, and no further; and shall in their corporate name and capacity, be capable of suing and being impleaded, defend and being defended, answering and being answered, in any case or action, bill, plaint or matter whatsoever, in any court of justice or equity, within this state, or elsewhere; and may have and use, a common seal, which they shall have power to break, alter or renew at pleasure; and it shall and may be lawful for any individual, body politic or corporate, or other company or association, or for the commissioners of any county through which such road may pass, for and on behalf of said county, to subscribe for and own, any amount of the capital stock in said turnpike company, for which they may subscribe and pay, and be entitled to all the privileges, profits and advantages arising or accruing therefrom, as other stockholders are, or shall be entitled.

SEC. 4. That the commissioners herein appointed, and the president and directors, after their election, shall have full power and authority, to collect and receive, all sum or sums of money subscribed to the capital stock of said company: *Provided*, That not more than five per cent. on each share, shall be demanded at the time of subscribing, nor more than ten per cent. at any subsequent instalment, and that at least sixty days notice shall be given, of the time and place of paying in any instalment, subsequent to the instalment paid at the time of subscribing; *And provided also*, That no instalment shall be called for, in less than sixty days of payment of any preceeding instalment.

Further powers.
Proviso as to instalments.

SEC. 5. That whenever one fourth part, or a greater amount, shall have been subscribed to the stock of said company, it shall be the duty of the commissioners named in the first section of this act, or a majority of them, to call a meeting of the subscribers or stockholders, at such time and place as they may appoint, by giving at least twenty days notice thereof, previous to such meeting, and shall lay the subscription books, before the subscribers then and there present, and thereupon the subscribers present shall proceed by ballot, to elect nine directors to manage the affairs of the company, at which election at least three of the commissioners named in the first section of this act, shall preside, and the directors thus elected, shall hold their offices until the first Monday of January thence next ensuing, and until their successors shall be elected and duly qualified, and shall have power to elect a president, and perform all other acts and things, which directors are by this act authorized to do and perform.

First meeting.
Directors how elected.
President.

SEC. 6. That for the purpose of continuing the succession of the president and directors of the said company,

Succeeding
elections.

nine directors shall be elected every three years, after the first election, on the first day of January, triennially, by the stockholders of said company. All elections for directors, shall be by ballot, and shall be held at such place or places, on or near the route of said contemplated turnpike road, and under such regulations, as the directors hereafter appointed may prescribe; and in case it should at any time so happen, that an election of directors shall not take place on the day herein appointed for that purpose, or should the directors, when elected, fail to organize themselves agreeably to the requisitions of this act, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold an election for directors in the manner pointed out by this act, on twenty days notice being given by any two qualified voters of said company; and the directors so elected, shall, when duly qualified and organized, have and exercise, all the powers and duties, as though they had been elected on the day pointed out by this act. In all elections and on all other occasions, wherein a vote of the stockholders of the said company is to be taken, each stockholder shall be entitled to one vote, for each and every share by him or her owned; and every stockholder may depute and appoint, any other person, to vote or act for him or her, as proxy, under such regulations as may be prescribed by the by-laws of the said company.

Oath of direc-
tors.

SEC. 7. The directors, when elected in conformity to the provisions of this act, shall, previous to proceeding to discharge the duties of their appointment, each take an oath or affirmation, diligently and impartially, to discharge the duties of their office, and the directors, or a majority of them, when thus qualified, shall, as soon as convenient thereafter, proceed to elect a president of said company from their number, who shall hold his office, for the same term of time for which he was elected a director. The directors, shall hold their office, for the term of three years, and shall exercise all duties appertaining thereto, until a new election, and until their successors shall have been duly qualified. And in case any vacancy shall occur, by death, resignation or refusal to act, of any president or director before the term for which he was elected has expired, a person to fill such vacancy, for the residue of the term, may be appointed by the president and directors of said company, or a majority of them.

Term of office.

Vacancy.

Powers of
president and
directors.

SEC. 8. That the said president and directors, and their successors, or a majority of them assembled, in all cases shall manage the concerns of the company; they shall have full power and authority to appoint and at their pleasure dismiss, such engineer or engineers, and agent or agents, as they may deem expedient, and to fix their

compensation, to agree with any person or persons, on behalf of the said company, for laying out, grubbing, opening and constructing said road, and for building bridges thereon, and for the performance of such other work as they shall judge necessary or expedient, for completing the said road, in the manner contemplated by this act; and out of the money arising from subscriptions and tolls, to pay for the same, and to repair and keep in order the said road, and other works necessary thereto, and to defray all incidental charges, and also to appoint a secretary, treasurer, and such other officers, toll gathers, managers, superintendents and servants, as they shall judge requisite, and to agree for, and settle their respective wages or allowances: *Provided*, That no officer in the company, shall have any vote in the settlement or passing of his own account. *Provided*.

SEC. 9. That the said president and directors, or a majority of them, shall have power to determine the place and time of their meeting, to prescribe the manner of adjusting and settling all accounts against the company, and also the manner and evidence of transfer of stock in said company: they shall have the power to make, ordain and establish, all by-laws, rules, and regulations, which they may deem necessary and expedient for the agreement of said company, and proper for the exercise of all the powers vested in the company hereby incorporated, and for carrying the object contemplated by this act into effect: *Provided only*, That such by-laws, shall not be contrary to the constitution and laws of the United States, and the constitution and laws of the state of Ohio or Indiana. *Further powers.* *Transfers.* *By-laws.*

SEC. 10. The said president and directors, or a majority of them, may require such oath or affirmation, of any of their officers or agents, as to them may seem proper; which oath the president is hereby authorized to administer; they may require from the treasurer, toll gatherers and others employed by them, such bonds in such penalties, and with such securities, as the president and directors or a majority of them, shall direct, conditioned for the true and faithful performance of the several trusts reposed in them. The said president and directors, may call special meetings of the stockholders, always giving at least thirty days notice of such meeting, by advertisement as directed in this act; they shall cause to be kept a fair record of their proceedings, relative to the business of the company, which shall at all times be open to the inspection of any person interested. *Oath of other officers.* *Bonds.* *Special meetings.* *Record of proceedings.*

SEC. 11. That any three or more of the stockholders of the company, owning at least one hundred dollars of

Business.

the capital stock, shall have the power of calling a special meeting of the stockholders, at the usual place of general meetings, or at the place where the last general meeting was convened, by giving at least thirty days notice of such intended meeting, by advertisement as required by this act, in which notice, shall be set forth, the objects and reasons for calling such meeting: That at such called meeting of the stockholders, a majority of those present may require a fair and clear exhibit and statement, of all the affairs of the company, from the president and directors; whose duty it shall be to furnish them when thus required; and that at all such meetings of the stockholders, a majority (in value) of the whole stock in said company, concurring, may remove from office, any president, or any of the directors of said company, and may elect others in their stead.

Penalty on delinquent stockholders.

Suit.

Stock may be sold.

SEC. 12. That when any subscriber, shall fail or neglect to pay any instalment, on his stock, called for by the company, after sixty days notice having been given, of the time and place of payment, in manner required by this act, he or she shall, for every month which the same remains unpaid, thereafter, forfeit and pay to the said company, five percent. on the amount of such instalment; and it shall be the duty of the said president and directors, after three months shall have elapsed, after the same becomes due and payable, to sue for and collect the said deficient instalment, with interest, penalty and costs thereon, from the time such instalment had become due. And should any instalment remain due and unpaid, for the space of one year, after the same became due and payable, the said president and directors may, after giving sixty days notice of the time and place, proceed to sell the stock of such delinquent subscriber, for the best price that can be got for the same, and if the proceeds of any such sale, shall exceed the amount demanded and due to the company thereon, the surplus, after paying the expenses of sale, shall be paid to the subscriber so failing, or to his legal representative; and the purchaser at such sale, shall become a stockholder, and subject to the same rules and regulations, and entitled to the same privileges, rights and emoluments, as original subscribers under this act; and no delinquent stockholder, shall have a right to transfer, any share or shares in said stock, or to vote at any meeting of the company, or to receive any dividend or profit, arising from said stock, on any shares, for which he or she may be delinquent.

Route of road.

SEC. 13. That the said president and directors of the said Hamilton, Rossville and Richmond turnpike company, shall be, and they are hereby invested, with all the rights and powers, necessary to lay out, open and con-

struct a turnpike road, from the west end of the Hamilton basin, in the state of Ohio, to the town of Richmond, in the state of Indiana, and for that purpose, the said president and directors, shall have a right to lay out, survey and make their said road, through any improved or unimproved lands on the route, which may be determined on between said places, and to take from the lands occupied by the said road, when surveyed and located as aforesaid, any stone, gravel, timber or other materials, necessary to construct a good, secure and substantial road, as contemplated by this act; and in case sufficient materials cannot be procured on the lands so as aforesaid located for said road, said company or their agents, shall have a right to enter upon any unimproved lands adjoining or in the vicinity of said road, and to dig, cut down, and take and carry away, so much stone, gravel, timber or other materials, (not previously cut down, taken, or appropriated by the owner or owners, to any particular use) as may be necessary to enable said company to construct said road.

Power as to location and materials.

SEC. 14. That if any difference should arise between the owner or owners of any ground, upon which such road may be located, or from which such materials are to be taken as aforesaid, and the said company or their agents, respecting damages, it shall be determined by three disinterested freeholders, to be appointed by the commissioners of the county, in which the subject of difference is situated; who taking into consideration, whether the premises through which said road may pass, or from which such materials may be taken, be rendered really more or less valuable, in consequence of the said road passing through or adjoining the same, it shall be the duty of the said freeholders, so appointed as aforesaid, to make out their assessment, award or determination in writing, of the damages, if any; a copy of which, shall be delivered to the proprietor of the land, and another copy to the agent of the company; and the said company, or their agent, shall pay to the person in whose favor such award may be made, the amount of damages, so assessed or awarded as aforesaid, before he or they shall enter upon and take possession of any such ground or materials, other than to survey and locate the said road; and all the expenses of such assessment of damages, if any are awarded, shall be paid by the company; but if no damages are awarded, then the expense shall be claimed [paid] by the person who paid [claimed] damages.

Damages how estimated.

SEC. 15. That the said president and directors of the Hamilton, Rossville and Richmond turnpike company, shall cause the said road to be opened, not exceeding eighty feet in width, at least twenty four feet of which in width, shall be made an artificial road, composed of stone,

Description of road.

gravel, and other suitable materials well compacted together, in such manner as to secure a firm, substantial and even road, rising in the middle with a gradual arch, and shall maintain and keep the same in good repair; and in no case shall the ascent in said road be more than five degrees: *Provided*, That nothing in this act contained, shall require the president and directors of said company to erect or construct, across the Miami river at Hamilton aforesaid any bridge for the crossing of said river, nor to keep nor cause to be kept in repair, any bridge that may be erected by any person, persons or company.

Proviso.

Other roads
not to be ob-
structed.

SEC. 16. That whenever in the construction of said road, it may or shall be necessary, to cross or intersect any established road or way, it shall be the duty of said president and directors of said company, so to construct the said road across said established road or way, as not to impede the progress or transportation of persons or property along the same.

Road how
approved.

SEC. 17. That so soon as the said turnpike company, shall have completed the said road as aforesaid, or any part thereof, not less than ten miles together, in any part of the route, and so from time to time, as often as five miles in addition, shall be completed, adjoining any ten miles previously completed, an agent to be appointed by the Governor of the state in which the road may lie, if not otherwise appointed by the legislature, shall, on application of the company, examine the said road, so completed as aforesaid, and report his opinion thereof, in writing, to the president of the board, and to the governor; and if said report shall state the said road, or any continuous ten or five miles thereof as aforesaid, to be completed, agreeably to the provisions of this act, the company may then erect a gate or gates across said road, at suitable distances, and demand and receive, of persons travelling the said road, the tolls by this act allowed: *Provided*, That not more than four gates shall be erected, between the towns of Hamilton and Richmond; that no gate shall be erected within the bounds of any town or village, or within fifty rods of the in-lots of said town, nor shall more than one gate be erected within ten miles of the towns of Hamilton and Richmond.

Gates.

Proviso.

Toll rates.

SEC. 18. That the following shall be the rates of toll, which the said company shall be entitled to ask, demand and receive of persons travelling said road, at each of the gates erected or set up, agreeably to the provisions of this act, *to wit*: For every four wheel carriage, drawn by two horses or oxen, twenty-five cents; for every horse or ox in addition, six and one fourth cents; for every two wheel carriage, drawn by two horses or oxen, eighteen and three fourth cents; for every horse or ox in addition, six and

one fourth cents; for every sled or sleigh, drawn by two horses or oxen, twelve and a half cents; for every horse in addition, six and one fourth cents; for every horse and rider, six and one fourth cents; for every horse, mule or ass, six months old or upwards, led or driven, three cents; for every head of neat cattle, six months old or upwards, one and one fourth cents; for every head of sheep or hogs, one half cent; for every four wheel pleasurable carriage, drawn by two horses, thirty seven and one half cents; for every horse in addition, twelve and one half cents; for every two wheeled pleasurable carriage drawn by one horse, twenty-five cents; for every horse in addition, twelve and one half cents; for every four wheeled carriage drawn by one horse, eighteen and three fourth cents; for every chaise, riding chair, cart or gig, or other two wheeled carriage of any kind, drawn by one horse, twelve and one half cents.

SEC. 19. That all persons, going to and returning from public worship on the Sabbath, all funeral processions, all militia men, going to and returning from their respective muster grounds, on days of training, jurymen going to and returning from court, the armies and troops of the United States, or of the state of Ohio and Indiana, all persons conveying the public mails of the United States, and all persons travelling said road on the fourth day of July, shall pass on said road, free from the payment of toll. Exemptions.

SEC. 20. That the said company, shall, when the said road is completed, or any continuous ten miles thereof, before they proceed to collect toll, put up a post or stone at the end of each mile, with the number of miles, from Hamilton, fairly cut or printed thereon; and also in a conspicuous place near each gate, shall be placed a board with the rates of toll, fairly printed thereon, and directions to keep to the right, as the law directs. Mile stones.

Toll lists.

SEC. 21. That if any person or persons, using said road, shall, with intent to defraud said company, or to evade the payment of toll, pass through any private gate or bars, or on any other ground, (except around crossways authorized by law,) near to any turnpike gate, which shall be erected in pursuance of this act, with intent to evade or lessen the payment of such toll, or if any person, shall take another person off said road, with intent to defraud said turnpike company, each and every person concerned in such fraudulent practices, shall for every such offence, forfeit and pay to the company, the sum of five dollars without stay of execution, to be recovered with costs of suit in an action of debt, at the suit of said company, before any justice of the peace, in any county in which said offence may be committed: *Provided*, That nothing in this act, shall Penalty for defrauding company.

Proviso.

be so construed, as to prevent persons using said road, between the gates for neighborhood purposes.

Proceedings
when road is
out of repair.

SEC. 22. That if said company shall fail ten days in succession, to keep said road in good repair, and complaint thereof be made to a justice of the peace in the county in which said road is out of repair, it shall be the duty of the said justice, forthwith, to summons three disinterested freeholders, to examine the same, and he shall give notice to the toll gatherer of the nearest gate, of the time when said freeholders will proceed to examine the same; and the said freeholders, after having taken an oath or affirmation, to act impartially, shall proceed to examine said road, and if the same is found to be out of repair, they shall certify it to the justice of the peace; who shall immediately transmit a copy of such certificate, to the nearest toll gatherer, where such defective part of said road lies, and from the time of receiving such notice, no toll shall be demanded or received, for such part of the road, until the same shall have been put in complete repair; under the penalty of five dollars for every such offence; to be recovered with costs, off said company, on the complaint and for the use of the party aggrieved.

Penalty for
obstructing
road, &c.

SEC. 23. That if any person shall wantonly or wilfully, destroy, or in any manner injure, or obstruct, any part of said road, or any gate thereon, otherwise than in the just and lawful use thereof, every such person, shall on conviction thereof, before a justice of the peace of the county, be liable to a fine of not more than fifty, nor less than five dollars, for every such offence, to be recovered in an action of debt at the suit of the state of Indiana, the one half thereof to go to the county in which the offence is committed, and the other half to the informer; and shall moreover be liable for all damages, to the said turnpike company, and for all injury accruing to travellers, in consequence of any such unlawful damage to, or obstruction of the said road; all damages and costs, awarded to travellers under this section by a court, or by a justice of the peace having competent jurisdiction, shall be collected forthwith, by execution and sale of property, without any delay or stay of execution.

For defacing
toll lists, &c.

SEC. 24. That any person, wilfully defacing or destroying, any guide board, mile post, or stone, or painted list of rates of toll, erected on said road, shall on conviction thereof, before any justice of the peace in the county where the offence is committed, forfeit and pay a sum not exceeding twenty dollars, to be recovered with costs of suit, in an action on the case, at the suit, and for the use of the said company.

SEC. 25. That all persons driving carriages, wagons, or any other vehicle, or riding on horseback on said road, shall

on meeting any carriage, wagon, or other vehicle, or person on horseback, keep to the right, so as to leave at least the one half part of the road free; and if any person shall neglect or refuse to comply with the provisions of this section, or shall in any other manner, hinder or obstruct, any person in the free passage of said road, he shall, on conviction thereof, before any justice of the peace having jurisdiction thereof, forfeit and pay for every such offence, not less than one dollar, nor more than twenty dollars, at the discretion of said justice, at the suit, and for the use of persons aggrieved; and shall moreover be liable to the person aggrieved, for any damages, which such person may have sustained in consequence thereof.

Directions in
travelling.

SEC. 26. That if any toll-gatherer on said road, shall unreasonably detain any passenger, after the toll has been paid, or tendered, or shall demand or receive, greater toll than is by this act allowed, he shall for every such offence, forfeit and pay a sum not exceeding twenty dollars, to be recovered with costs of suit, before any justice of the peace having competent jurisdiction thereof, at the suit of the party injured; which shall forthwith be collected by distress and sale without stay of execution: *Provided, however,* That no suit or action shall be brought against any person or persons, for any penalty incurred under this section, unless the same shall be commenced within twenty days from the time of incurring the same; and the defendant or defendants in any such suit or action, may plead the general issue, and give this act and the special matter in evidence.

Penalty on
toll-gatherers.

Suits limited.

Plea.

SEC. 27. That it shall be the duty of the said turnpike company, to cause to be kept, a fair and accurate account, of the whole expenses of making and repairing said road, together with all incidental expenses of toll-gatherers, and all other necessary officers or agents, whom the company may find it convenient to employ; and also a fair and accurate account of the amount of toll received, and other monies received for the use of the said company; and the state of Ohio or Indiana, shall have a right to purchase the stock of said turnpike road company, or any portion thereof, on paying said company a sum of money, which together with the toll received, shall equal the cost and expenses of said turnpike road as aforesaid, with an interest of ten per cent. per annum; and the books of the company, shall at all times be open for the inspection of the agent of the states of Ohio or Indiana, appointed for that purpose by the legislature; and if the company shall neglect or refuse, to exhibit their accounts, agreeably to this section, when thereunto required, then all the rights and privileges, granted by this act shall cease and determine.

Company's
accounts.

Ohio or Indiana may purchase the stock.

Dividends.

SEC. 28. That the directors shall annually or semi-annually, as they may determine, declare and make such dividend of the nett profits from the tolls to be received, according to the provisions of this act, as they may deem advisable and proper, after deducting therefrom, the necessary current and the probable contingent expenses, to be divided amongst the proprietors of the stock of the said company, in proportion to their respective shares.

Shares may be increased.

SEC. 29. That if the capital stock of said company, shall be found insufficient to construct the said turnpike road, and the works connected therewith, as contemplated by this act, it shall and may be lawful, for the president and directors of said company, or a majority of them, from time to time, as the case may require, to increase the said capital stock, by the addition of as many shares as they may deem necessary, for which they may, at their option, cause subscriptions to be received, in the manner prescribed by them, or may sell the same, for the benefit of the company, for any sum not under their par value; and that they, or a majority of them, shall have power to borrow money, for the accomplishment of the object contemplated by this act, to issue certificates or other evidence of such loan, and to pledge the property of the company for the payment of the same and its interest: *Provided however*, That if said company shall at any time use their funds or any part thereof, in any banking transaction or business, or shall issue and put in circulation any bonds, bills or notes, calculated or intended to circulate as money, or bank paper, or pass as a circulating medium, or medium of exchange, or shall appropriate or use their funds for any other purpose, or in any other business, than that of making and keeping in repair the said road authorised by this act, then and in either case this charter shall be forfeited; and all rights and privileges granted by this act shall cease and determine.

Triannual accounts.

SEC. 30. That at all tri-annual meetings of the stockholders of said company, it shall be the duty of the president and directors, in office for the preceding term, to exhibit a clear and distinct statement of the affairs of the company, for the inspection of all persons interested.

Notices how given.

SEC. 31. That all public notices for the payment of instalments on stock, notices of elections, or general meetings of stockholders, notices for the sale of delinquent stock, or any other public notice required by this act, shall be given by publication, in at least one newspaper printed in the town of Hamilton, Ohio, and one printed in Richmond, Indiana; and should no newspaper be published in either of the said towns, then in two newspapers having the most general circulation in the neighborhood,

through which the said contemplated turnpike road is intended to be made.

SEC. 32. That for and in consideration of the expenses, the stockholders of said company will be at, in laying out, opening and constructing said road, bridges and other works necessary to be connected therewith, and in improving and keeping the same in repair, the said road and all other works aforesaid, or required for the improvement thereof, at any time hereafter, with all their profits, (subject to the limitation herein provided and none other) shall be, and the same are hereby invested in the said company, incorporated by this act, and their successors forever; the said stockholders in said company, their heirs and assigns, being constituted, as tenants in common, in proportion to their respective shares; and the said property shall be deemed and considered personal estate, and shall forever be exempted from the payment of any tax, imposition, burthen, or assessment whatever, levied or to be levied, by virtue of any law passed by the state assenting to this act: *Provided always*, That the legislatures of the states of Ohio and Indiana, may after the lapse of ten years from the completion of the said road, make any alterations not exceeding fifty per cent. on the rates of toll established and allowed by this act.

Road vested in company.

Provide.

SEC. 33. That if said turnpike company, shall not within three years, from the time this act is finally passed, and ratified by the legislatures of Ohio and Indiana, proceed to carry on said work, and shall not within ten years thereafter, have completed the said turnpike road, from Hamilton and Rossville in the state of Ohio, to Richmond in the state of Indiana, according to the true intent and meaning of this act, then, and in either of those cases, it shall be lawful for the legislatures of the respective states, to resume all the rights, liberties and privileges granted by this act: *Provided however*, That the county authorities of the county of Wayne, for the use of said county, or any company duly authorised for that purpose, shall be allowed and authorised, to intersect said road, at any point within the county of Wayne, by another turnpike road commencing at the town of Centreville in said county.

Commencement and completion of the road.

Provide.

CHAPTER XLIV.

An act to incorporate the White Water and Miami Turnpike Company.

[APPROVED, JANUARY 29, 1830.]

Commission-
ers appointed.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Robert Long, Aaron Stanton, Thomas Cully, Ira Grover, Thomas R. Chunn and William Youse, of the county of Union, and Jesse Willits, Asa M. Sherman and Samuel Pierce of the county of Wayne, and such other persons as may associate with them, for the purpose of making a turnpike road, commencing at the north west corner of the college township, on the line between the states of Ohio and Indiana, thence *via* Liberty and Brownsville, in Union county, Milton, in Wayne county, to some convenient point on the National Road, be and they are hereby authorized, to open books for the subscription of stock, at such times and places, as they may appoint.

First meeting
of stockhold-
ers, where to
be held.

SEC. 2. That whenever a sufficient amount of stock shall be subscribed to complete said road, at twenty-five dollars per share, it shall be the duty of said commissioners, to call a meeting of the stockholders, at such time and place as they may think proper, for the purpose of electing directors for said company, and upon a majority of two thirds of such stockholders being present personally, or by their proxy, it shall be their duty to go into the election of seven directors, who shall hold their offices one year, and until their successors are elected.

Directors
how chosen.

Officers how
chosen.

SEC. 3. Whenever a board of directors of said company shall have been elected, it shall be the duty of said board, to proceed forthwith to elect from their own body, a president, and from the stockholders a secretary and treasurer, who shall be styled the secretary and treasurer of the Miami and White Water turnpike road company; and from thenceforth the said company shall be a body politic and corporate, and as such known in law, and in fact, by the name, style and description, of the "President and Directors of the Miami and White Water turnpike road Company," and as such shall be capable of suing and being sued, pleading and being impleaded, both at law and in equity, and to have and possess all other rights and privileges, appertaining to incorporated bodies.

Style and
power of cor-
poration.

Subsequent
elections.

SEC. 4. The corporation hereby organized, shall hold an election once a year, for directors, who are to be voted for by the stockholders, each having one vote for each share of stock he may hold, at the time of such election, which election shall be governed by the by-laws that may

be made and adopted, by the president and directors of said company.

SEC. 5. The president and directors of said company, shall at their first meeting, make and ordain by-laws for the government and regulation of said company, and may from time to time, make such additions and alterations thereto, as they may deem expedient, and shall establish by said by-laws, the instalments on stock, when and in what proportions the same shall be payable: *Provided* however, That no stockholder, at their first meeting, shall be entitled to vote for directors, until such stockholder shall have paid ten per cent. on the amount of such stock by him subscribed.

PROVISO.

SEC. 6. The said company when organized, shall be authorized to make and construct, a turnpike road between the points in the first section of this act specified, the plan of said road and the tolls thereof, to be first agreed upon, between the said company, and the boards doing county business in the said counties, of Wayne and Union, and recorded in the clerk's office of said counties; and the boards or courts doing county business, in the said counties of Union and Wayne, are hereby authorized, to stipulate with the said company, or its agent, properly authorized, concerning said road, how and in what manner the same is to be constructed, and what tolls may be demanded and received of persons using the same, and who shall be liable to pay toll for travelling thereon; which stipulations shall be signed by the president of said company, and by the members of the courts doing county business aforesaid, and be irrevocable without the consent of both parties.

Construction
of road, tolls,
&c.

SEC. 7. When the said company shall be organized as above provided, and shall have arranged the manner of constructing said road, and the tolls to be received for travelling thereon, within the said counties of Wayne and Union, the said company shall from thenceforward be allowed to proceed in the location and construction of the same, in such manner as the president and board of directors shall direct; and shall make contracts, receive proposals for the construction thereof, in such manner and by such agent or agents as the by-laws of said corporation shall ordain; and whenever by-laws shall be agreed on, a copy thereof, shall, before they shall be considered in force, be filed in the clerks' offices of the counties of Wayne and Union aforesaid.

SEC. 8. The said company, organized as above, shall have perpetual existence as a body politic and corporate, and for the use and benefit of such corporation, shall have full and ample power, to purchase or receive, by gift or grant, in its corporate name, all necessary materials for

Succession.

the construction of said road, and the ground necessary for the location thereof; and shall be authorized to erect toll gates thereon, at such places as may be by and between the said company and the said counties of Union and Wayne, agreed upon.

Toll gates.

SEC. 9. The said company shall be answerable for all contracts they may make by their agent or agents, in their individual property, to the value of stock by them held at the time of such contract, and shall be answerable for all trespasses and waste they may make or cause to be made, in the construction of said road; and when the same is completed, it shall be, and remain vested in the said president and trustees, and their successors in office, for the use and benefit of said company.

Individually liable.

Trespassers.

Road vested in company.

Assignments of stock.

Vacancies.

Annual elections.

Seal.

SEC. 10. The president and trustees, shall have power to regulate the manner of assigning or transferring stock of said company, or corporation; and in case of any vacancy in the board of directors, the residue of said directors shall fill such vacancy, until the next meeting of the stockholders of said company, for the purpose of electing directors; and it shall be the duty of the president and directors, by their by-laws, to provide for the election of all officers, once a year.

SEC. 11. The said company shall have power to have and use a common seal, and the same to alter or break at pleasure; and the said company shall be authorized, if they deem it expedient to locate said turnpike road, on any state or county road that may lie in the direction of said road.

CHAPTER XLV.

An act explaining and regulating jurisdiction.

[APPROVED, DECEMBER 28, 1829.]

WHEREAS, some doubts have been suggested, as to jurisdiction possessed by the several counties in this state, upon those water courses which are and have by law been declared navigable; to remove which doubts,

Be it enacted by the General Assembly of the state of Indiana, That in all cases where the division line, either between this state, and those of Ohio, Kentucky and Illinois, or Michigan territory, or of any one or more counties within this state, shall be navigable streams or waters, or those declared so by law, the said several states and adjacent counties within this state, shall have, possess and exercise concurrent jurisdiction over the said navigable streams, for the enforcement of civil or criminal justice.

Concurrent jurisdiction.

CHAPTER XLVI.

An act amendatory of the several acts, regulating the jurisdiction and duties of justices of the peace.

[APPROVED, JANUARY 30, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That if any person or persons, shall, in a rude and angry manner, assault, strike, beat or wound any other person, or commit any other breach of the peace, in the presence of a justice of the peace, it shall be the duty of such justice, forthwith to issue his warrant against such person or persons, without complaint or affidavit made by a third person, and to put such offender or offenders upon their trial, or commit, or recognize in the manner hereinafter directed.

Justices on view to issue warrant.

SEC. 2. The recognizance directed to be taken as aforesaid, shall be entered into by the party, with good and sufficient security, conditioned for his appearance before the said justice of the peace, or before any other justice of the peace of the proper township, as the accused party may elect, at a certain time and place to be fixed on by the said justice for the trial of said offence; and the said party shall be kept in custody, until the said recognizance shall be entered into or until the time of trial: *Provided, however,* That no person recognized for any of such offences, shall be put upon his trial, before a justice of the peace, in a shorter time than six days after entering into said recognizance, unless by the consent of the defendant himself. *And provided also,* That if the party shall elect to be tried before the circuit court, or if the offence with which he is charged shall be of so aggravated a nature, as in the opinion of the said justice to merit a greater punishment than can be inflicted under the provisions of this act, the recognizance in those cases where bail can be taken, shall be conditioned for his appearance at the next circuit court to be holden in and for the said county, to answer an indictment to be preferred against him for the said affray, or assault and battery, as the case may be; and in default of such recognizance being given, the said party shall be committed to prison as in other like cases.

Accused may elect his J. P.

Trial not sooner than six days.

C. court jurisdiction.

SEC. 3. That in those cases where a trial shall be had before a justice of the peace, the said justice shall, at the request of the defendant or defendants, direct a constable to summon a jury of twelve good and lawful men, for the trial of the cause; and if the jury shall find the defendant guilty, they shall proceed to assess a fine upon him or them, according to the nature and aggravation of the offence, which shall not be less than one nor more than

Jury when to be called.

twenty dollars; and the said justice shall enter judgment upon such verdict, that the said party shall pay the fine assessed by the said jury, together with the costs of prosecution, and that he stand committed until the said fine and costs be paid or replevied according to law; but if no jury be requested, the justice shall proceed to try the cause, and render judgment thereon, which shall not be less than one, nor more than twenty dollars, exclusive of costs: *Provided, however,* That if the party, after having been imprisoned one day for every fifty cents of the fine so imposed, will take the oath required by the act concerning insolvent debtors, and will in all respects comply with the requisitions of the act aforesaid, he may be discharged from imprisonment as other insolvent debtors are; and in all cases where the party shall be discharged in the manner aforesaid, the costs of keeping such offender, shall be paid by the county as other county expenses, and the said county shall be considered a creditor of the said insolvent, to the amount of the costs accruing, and so far as the same extends shall be a privileged creditor, and be entitled to recover and receive the full amount thereof before any other debt shall be paid; and if any person shall obtain his discharge under this proviso, by wilful false swearing, he shall be deemed guilty of perjury, and suffer accordingly.

Justice may
fine to \$20.

Deft. how re-
leased from
imprisonm't.

Costs, when
paid by co.

Complaint.

Warrant.

SEC. 4. That upon complaint made upon oath or affirmation, before any justice of the peace of the proper county, against any person, for an assault and battery, affray or other breach of the peace, it shall be the duty of the said justice, forthwith to issue his warrant against the person or persons so complained of, and if upon being brought before the said justice, it shall appear upon examination, that the said party ought to be put upon his trial, the same proceedings shall be thereupon had, as are hereinbefore directed in like cases.

Presence of in-
jured party
required.

SEC. 5. That no trial shall be had before a justice of the peace, under this act, upon the information or complaint of the offending party himself, or upon the information or complaint of any third person, unless the injured party shall be present at the trial, and examined as a witness, or was duly summoned as a witness, or was at the time a non-resident of the county.

Appeal.

SEC. 6. That any person who may be convicted before a justice of the peace, shall have the privilege of appealing from the judgment of the justice, to the next circuit court, upon entering into a recognizance, in such sum as shall be directed by the said justice, with good and sufficient security, conditioned for his appearance in the said circuit court, to answer the said complaint, and for the costs which shall have accrued before the said justice,

and which may accrue on said appeal; and it shall be the duty of said justice, when any appeal is so taken, to certify his proceedings to the next circuit court, and to recognize the witnesses in the case, to appear at the next circuit court, under the penalty of fifty dollars each; and such case when so appealed, shall commence *denovo* in the circuit court, by indictment; and no further notice shall be taken of the proceedings before the said justice, than to tax up the costs which may have accrued before the same.

SEC. 7. That nothing herein contained, shall be construed to prevent grand juries from presenting any person, guilty of any offence against the public peace, unless such person shall have been punished therefor under the provisions of this act, which shall bar any further proceedings for the said offence. Trial by J. P. when a bar.

SEC. 8. That in all cases before a justice of the peace, where a judgment creditor, his agent or attorney, shall make and file with the justice, in whose office such judgment shall be, an affidavit, stating that he verily believes that the judgment debtor is about to leave the county, without leaving behind him a sufficiency of property, subject to execution, to satisfy said judgment, or that he verily believes, that such judgment debtor, will or does conceal his property, with an intent to defraud his creditor or creditors, it shall be the duty of said justice, to issue a *capias ad satisfaciendum*, without first issuing a *fiere facias*, as directed in the act supplementary to an act, entitled "An act subjecting real and personal property to execution and for other purposes," approved February 12, 1825; and in all cases where any defendant shall be brought before a justice of the peace, by virtue of a warrant, under the authority of the fifth and sixth sections of the act regulating the jurisdiction and duties of justices of the peace, approved January 30, 1824, and if judgment shall be thereupon rendered against such person, it shall be the duty of such justice, to order such person into the custody of the constable, (not to exceed one day) until the plaintiff, his agent or attorney, shall have an opportunity of making such affidavit, unless the said judgment be replevied at the time of rendition. Ca. sa. when to be issued. When deft. shall be detained in custody.

SEC. 9. That hereafter it shall be lawful, for any justice of the peace, who may be an attorney and counsellor at law, to appear as counsel or attorney in the circuit court, in all cases of appeals from justices of the peace, except in appeals from his own docket. Attor'ys who are justices may be counsel.

SEC. 10. That in all cases hereafter, when a delivery bond shall become forfeited, it shall and may be lawful, for the obligee in such bond, or the legal owner of the judgment, for the satisfaction of which the property in Delivery bonds.

said delivery bond mentioned was executed, to either sue on said bond, or to have execution issued on the original judgment, at his election; and where property shall be levied upon by virtue of such execution so caused to be issued, no delivery bond whatsoever shall be taken for the delivery of the same.

Contempts.

SEC. 11. That in all cases where any person shall be guilty of a contempt before a justice of the peace, whilst sitting as such in his official capacity, in the trial of any cause, such justice shall have the power to inflict a fine upon such person therefor, in any sum not exceeding three dollars, to which may be added imprisonment not exceeding three hours.

New trials.

SEC. 12. That in all trials before a justice of the peace, such justice may within four days, grant to either party, whether plaintiff or defendant, a new trial, according to the usages and customs of courts, and set a day for the trial of the cause, of which day and time, the adverse party shall have at least three days notice.

Parties, when to answer on oath.

SEC. 13. In all trials of debt, assumpsit or account, before any justice of the peace, it shall and may be lawful for the plaintiff, if the defendant deny the debt, demand or account, to require the said defendant to answer on oath or affirmation to such charge; and if thereupon the defendant deny the same, the plaintiff shall not have judgment, unless he establish his claim by legal evidence; and wherever the said defendant shall allege matter in payment of the plaintiff's demand, or shall plead, or set up any other plea or defence in bar of the same, he may in like manner require the said plaintiff to answer such allegation or plea, on oath or affirmation; and upon the refusal of either party to answer as aforesaid, the justice shall enter up judgment as if the matter so charged or pleaded were confessed; and the plaintiff and defendant when so required to be sworn at the request of his adversary, shall be at liberty to testify to the whole matter of controversy as a disinterested witness might do, the justice in all cases judging of his credibility as in other cases; and in all cases where the parties to any suit before a justice of the peace, shall be a resident of the county in which such justice resides, and either party may wish to make a witness of his adversary, it shall be the duty of the justice before whom such case may be set for trial, on the application of either party, to issue a subpoena for, and compel the attendance of such plaintiff or defendant, in the same manner, and under like penalties and restrictions as other witnesses are compelled to attend; and in case the parties, or either of them, reside without the county, their depositions may be taken in the same manner that the depositions of other disinterested witnesses

Subpoena for a party.

Depositions.

are taken, and in the trial of all appeals in the circuit courts, from justices of the peace, the provisions of this section shall be adopted and pursued by the said courts.

SEC. 14. That when hereafter, any action upon any contract, express or implied, is pending before any justice of the peace, it shall and may be lawful for the defendant, to plead as set off, any judgment rendered by any justice of the peace within this state in his favor, and against the plaintiff, then due and unsatisfied: and upon the trial, such judgment may be proved by a transcript thereof, duly certified under the hand and seal of the justice who may have rendered the same; and if the amount of the judgment so pleaded in set off, shall exceed the amount of the debt or demand so claimed by the plaintiff, the justice shall give judgment for the defendant for the balance due him; and whenever any judgment shall be in set off as above, it shall be the duty of the justice, before whom such set off is pleaded, to give to the plaintiff, a certificate under his hand and seal, which when filed shall be a bar to all proceedings upon the judgment so pleaded in set off. And should any justice of the peace, grant a partial or imperfect transcript from his docket, the same purporting to be true and perfect, whereby imposition and fraud are practised or attempted to be practised, such justice, and the person using such imperfect or false transcript, knowing the same to be such, shall be severally fined upon presentment or indictment in the proper circuit court, in any sum not exceeding double the amount of the sum so set off, or attempted to be set off.

Judgment may be set off.

Penalty for fraud in J. P.

SEC. 15. That the seventh section of the act, entitled "An act regulating the jurisdiction and duties of justices of the peace," approved January 27, 1827, and so much of any other act as comes within the purview of this act, be and the same is hereby repealed.

SEC. 16. It shall be the duty of all officers, who are by law conservators of the peace, who shall see any breach of the peace, to arrest the offender or offenders, and bring them before a justice of the peace for trial, without a warrant. It shall further be their duty to prevent any breach of the peace, if possible, and they shall have the right to command the power of the county to aid them in execution of the law.

Arrest without warrant.

J. P. shall suppress crimes.

SEC. 17. In all cases hereafter, when any execution defendant, shall deliver up to any officer holding such execution, any species of property in discharge of said execution, belonging to any other person or persons, other than the execution defendant or defendants, by which means a delay in the collection of the demand shall be produced, such person shall be liable to pay the amount due

Penalty for delivering up property on ex. fraudulently.

Affidavit to be made on claiming property.

Costs on continuances.

Jurisdiction in replevins.

Execution, when a lien.

Repeal.

Repeal.

in said execution, by an *alias* execution or *capias satisfaciendum*, as the plaintiff may choose, together with twenty per centum damages thereon, to the use of the execution plaintiff; and if any person other than the execution defendant, shall claim any property taken in execution, no regard shall be paid to such claim, unless the claimant, his agent, or attorney, shall have filed his affidavit, with the officer issuing such execution, that his claim is just and legal.

SEC. 18. That in all cases where any party may apply for a continuance of a cause, it shall be lawful for the justice before whom such application may be made, to tax the cost of such continuance to the party applying, at the discretion of such justice.

SEC. 19. That justices of the peace, shall hereafter be authorised to try actions of replevin, when the value of the property to be replevied, does not exceed twenty dollars.

SEC. 20. That all executions issued by any justice of the peace, shall be endorsed by the officer to whom it is delivered, noting on the back thereof, the day on which it comes into his hands for collection, which shall from that time be a lien on the personal property of defendant or defendants.

SEC. 21. That the forty-second section of the act, entitled "An act regulating the jurisdiction and duties of justices of the peace," approved January 30, 1824, be and the same is hereby repealed.

SEC. 22. The twentieth section of the act regulating the jurisdiction and duties of justices of the peace, approved January 30, 1824, be and the same is hereby repealed.

CHAPTER XLII.

An act to amend an act, entitled "An act to amend an act, entitled an act for the incorporation of county libraries," Approved February 7, 1825.

[APPROVED, JANUARY 4, 1830.]

Sheriff's duties.

Be it enacted by the General Assembly of the state of Indiana, That it shall be the duty of the sheriffs of the several counties in this state to advertise, as therein prescribed, all elections for trustees of county libraries required by the first and fourth sections of the act, to which this is amendatory.

MEDICAL SOCIETIES.

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CHAPTER XLVIII.

An act to amend an act, entitled "an act to amend an act to establish a State Library, approved February 4, 1825."

[APPROVED, DECEMBER 31, 1829.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That instead of the sums appropriated for the increase of the state library, by the act to which this is supplementary, there shall be, and hereby is appropriated for the increase of said library, the sum of one hundred dollars annually; which sum shall annually hereafter, on or after the first day of March, be audited and paid, as other claims are audited and paid in the name of, and to the librarian; and the said sum shall be expended in such manner for the increase of the said library, as the board of commissioners composing the faculty thereof, may direct.

SEC. 2. The faculty, of said library, may by By-laws or rules for the regulation of said library, prohibit any map, chart, or book, from being at any time taken from the library room; any law to the contrary notwithstanding.

SEC. 3. All officers of state, whose appointment is vested in the legislature, or in the governor and senate, shall hereafter be entitled to the use of the books in said library, under the restrictions and limitations of this act, and the act to which this is supplementary.

This act to take effect, and be in force, from and after its passage.

CHAPTER XLIX.

An act regulating Medical Societies.

(APPROVED, JANUARY 30, 1830.)

WHEREAS, owing to defects in the law regulating the practice of physic in this state, the medical societies which now exist, have never been legally organized, and the provisions of the act are such as do not induce a large portion of qualified physicians to become members of any medical society, or sufficiently to guard against licensing unqualified men to practise medicine; to remedy which evils,

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the medical society of the state of Indiana, and the several district medical societies which are-

now organized in this state, shall each, on causing a record of the name of the society, and of the officers last elected, to be made in the recorder's office of the county where the last election was holden, authenticated by the signature of the president and secretary, be thenceforth considered in law and equity, as legally existing; and all licenses heretofore granted by either of them to practise medicine, shall be considered as legally granted, and former elections of officers, as having been legally made; and the division of the state, by the state medical society into twelve medical districts, as having been legally done; and all the powers and privileges of an act, entitled "an act to incorporate medical societies" &c., approved February 12, 1825, are hereby extended to said societies, and to such others as may be formed under the provisions of this act.

Powers.

Powers of State society, in forming district societies.

SEC. 2. The state medical society, shall have power to organize medical societies in those districts, where none now exist, by the appointment of a president, secretary and three censors, who shall continue in office till the next annual meeting of said district society, and until their successors are elected. The state society shall designate some suitable place in said districts, for the first annual meeting of said district societies.

Annual meeting of state society.

Of district society.

Members.

SEC. 3. The state medical society shall meet annually at Indianapolis, on the first Wednesday next succeeding the meeting of the legislature; and at such other times as they may appoint. The several district societies, shall meet annually within their respective districts, on the first Monday in May, and at such other times, as they may appoint; the said district societies may be composed of all persons of good moral character, residing in their respective districts, who have been regularly licensed to practice medicine in this state, or who have been reputable practitioners in the state for two years next preceding the passage of this act, or who have graduated at any medical college in the United States; the state medical society and the several district societies, shall have power to make and enforce any by-laws not inconsistent with the laws of this state, and to impose and collect any fines for nonattendance or other delinquencies of their members, that they may deem expedient and proper.

By-laws.

Restrictions.

SEC. 4. No person not regularly licensed to practise medicine in this state, nor being a licensed practitioner in an adjoining state in which he resides, nor at the passage of this act a resident practitioner of medicine of this state, shall be entitled after one year from the passage of this act, to recover any thing by law for medicine and professional services as a physician or surgeon; nor shall any person not a member of a district medical society, or prac-

recover any thing for medical counsel, after the expiration of one year from the passage of this act: *Provided*, That nothing in this act shall be so construed as to affect the right of females to practise midwifery, or apothecaries, or others not professing to prescribe or practise medicine, from selling medicine and recovering payment therefor.

This act shall take effect and be in force, from and after its passage.

CHAPTER L.

An act to organize the militia of Hancock, Delaware, Randolph and Warren counties.

[APPROVED, JANUARY 30, 1830.]

Be it enacted by the General Assembly of the state of Indiana, That the militia of the counties of Hancock, Delaware, Randolph and Warren, shall each form and constitute a regiment, and shall be governed in all respects as regiments heretofore set off; and the regiment formed in Delaware county, shall be attached to the eighteenth brigade. Regiment.

This act to take effect and be in force from and after its passage.

CHAPTER LI.

An act relative to Twin Creek.

[APPROVED, JANUARY 29, 1830.]

Be it enacted by the General Assembly of the state of Indiana, That so much of the act, entitled "an act supplemental to an act, entitled an act declaring certain streams therein named, public highways," approved January 22, 1829, as declares Twin creek a public highway, be and the same is hereby repealed. Repeal.

This act to take effect, from and after the first day of July next.

NAVIGATION.

CHAPTER LII.

An act supplemental to an act declaring Mississinewa river a public highway.

[APPROVED, JANUARY 28, 1830.]

Be it enacted by the General Assembly of the state of Indiana, That all that part of the Mississinewa river within the bounds of Randolph county, which has not heretofore been declared a public highway; and that the provisions of the act now in force respecting said stream, be and the same are hereby extended and made applicable to that part of said stream, in all respects, as fully as if it had been included in the act to which this is a supplement,

This act to be in force from and after its passage.

Part is Randolph county.

CHAPTER LIII.

An act relative to the river St. Marys.

[APPROVED, JANUARY 30, 1830.]

Be it enacted by the General Assembly of the state of Indiana, That the act relative to navigable streams declared public highways by the ordinance of Congress of 1787, approved January 23, 1829, shall not be construed to extend to the St. Marys river in this state.

This act to be in force, from and after its passage.

CHAPTER LIV.

An act to amend an act relative to navigable streams, declared public highways, by the ordinance of Congress of 1787, approved January 23, 1829.

[APPROVED, JANUARY 29, 1830.]

Be it enacted by the General Assembly of the state of Indiana, That the act relative to navigable streams, declared public highways, by the ordinance of Congress of 1787, approved January 23, 1829, shall not be construed to extend to the Big Vermillion river.

This act shall take effect and be in force, from and after its passage.

Big Vermillion excepted.

CHAPTER LV.

An act to improve the navigation of Lost River, White Water River, and other streams therein named.

(APPROVED, JANUARY 18, 1830.)

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the sum of three hundred dollars out of the three per cent. fund, be, and the same is hereby appropriated, for the improvement of the navigation of Lost river, from its mouth up to Sherley's mill; and Lick creek, from its mouth up to Dougherty's mill; and that Samuel Cobb of Orange county, be, and he is hereby appointed a commissioner to superintend the same.

Appropriation on Lost river and Lick creek.

Commissioner

SEC. 2. That the sum of two hundred dollars out of the same fund, be, and the same is hereby appropriated for the improvement of Salt creek, from its mouth up to its forks, near Owen's salt works; and that Joseph Baugh, of Monroe county, be, and he is hereby appointed a commissioner to superintend the same.

Appropriation on Salt creek.

Commissioner

SEC. 3. That the sum of three hundred dollars, out of the said three per cent. fund, be, and the same is hereby appropriated, for the improvement of the navigation of the Muscattituck river, from its mouth up to the town of Vernon, in Jennings county; and that Hugh Moore, of Jackson county, be, and he is hereby appointed a commissioner to superintend the same.

Appropriation on Muscattituck.

Commissioner

SEC. 4. That the sum of two hundred dollars, out of the said three per cent. fund, be, and the same is hereby appropriated for the improvement of White Water river, from the Ohio state line, up to the forks thereof; and that John Hackleman of the county of Franklin, be, and he is hereby appointed a commissioner to superintend the same.

Commissioner

SEC. 5. That the sum of two hundred and twenty-five dollars, out of the said three per cent. fund, be, and the same is hereby appropriated for the improvement of the west fork of the said White Water river, from the said forks thereof up to Goodlander's mills in Fayette county; and that Jacob Goodlander of said county, be, and he is hereby appointed a commissioner to superintend the same.

Appropriation on White Water.

Commissioner

SEC. 6. That the sum of one hundred and seventy-five dollars, out of the said three per cent. fund, be, and the same is hereby appropriated for the improvement of the East fork of the said White Water river, from its said forks up to Brownsville in Union county; and that John Norris, of the said county of Union, be, and he is hereby appointed a commissioner to superintend the same.

Appropriation on White Water.

Commissioner

Appropriation on Big creek.
Commissioner

SEC. 7. That the sum of one hundred dollars, out of the said three per cent. fund, be and the same is hereby appropriated, for the improvement of the navigation of Big creek, in Posey county, from its mouth to James Black's mills; and that James Duckworth of Posey county, be, and he is hereby appointed a commissioner to superintend the same,

Duty of commissioner. SEC. 8. That it shall be the duty of the several commissioners named in this act, to execute in the clerk's office of the county, in which they respectively reside, a bond payable to the state of Indiana, in the penal sum of five hundred dollars, with good freehold security, to be approved of by the clerk taking the same, who is hereby authorized and required to take the said bond; the condition of which bond shall be for the faithful performance by the principal obligor, of all the duties enjoined on him by the provisions of this act; said several commissioners, shall moreover, take an oath diligently and honestly to do and perform the duties enjoined on them according to law; which said oath, shall be administered by the clerks respectively, who by the provisions of this act are required to take such bond, and who are hereby authorized to administer the same, and thereupon endorse a certificate of said oath on the bond taken as aforesaid; a transcript of which said bond and certificate shall be made out by such clerk, and delivered to the said commissioner.

Bond.

Oath.

Further duties. SEC. 9. It shall be the duty of the said several commissioners respectively, to file the transcript aforesaid in the office of the agent of the three per cent. fund; who shall thereupon pay to such commissioner the amount of money appropriated by this act for the improvement of the stream, of which said applicant is commissioner, out of any monies in his hands not otherwise appropriated.

Further duties. SEC. 10. It shall be the duty of the said several commissioners, after drawing the respective appropriations aforesaid, each to expend the same in removing, in the best practicable manner, the drift, logs, snags and other obstructions in the streams of which he is appointed commissioner; and for that purpose he shall employ daily or monthly labourers on the best practicable terms; and he shall superintend and direct the said improvement in person, until the respective appropriations shall have been expended; reserving to himself however, as a compensation, one dollar for each day which he may have been employed, in performance of the duties enjoined on such commissioner, by the provisions of this act.

Further duties. SEC. 11. The commissioners aforesaid, shall severally, after performing the duties required of them by this act, without delay transmit to the agent of the said three per cent. fund, a detailed statement in writing, properly certified,

and showing the manner in which he expended such appropriation, an abstract of which said several reports shall be transmitted to each house of the general assembly, by said agent.

SEC. 12. Should any of the commissioners named in this act, neglect or refuse to act, or in any other way vacate said trust, it shall be the duty of the board doing county business, in the county in which such neglect, or refusal to act, or vacancy may take place, to appoint a successor or successors; who shall be governed in all respects, by the provisions contained in the several preceding sections of this act.

Vacancies.

SEC. 13. That the sum of one hundred dollars, out of the said three per cent. fund, be and the same is hereby appropriated for the improvement of the navigation of Patoka river, from Enslow's mill in Dubois county, to Thompson's mills in Pike county; and that the board of justices in Dubois county, shall appoint some suitable person as commissioner to expend the same on said stream, in such manner as said board shall direct; which commissioner, when so appointed, shall be governed in all other respects, by the provisions of this act: *Provided*, That nothing in this act contained, shall be so construed, as to authorize either of the commissioners aforesaid, to interfere with any mill dam erected on any of the streams aforesaid.

Appropriation on Patoka.

Commissioner and duty.

Proviso.

CHAPTER LVI.

An act declaring Little Pigeon a public highway.

[APPROVED, JANUARY 29, 1830.]

Be it enacted by the General Assembly of the state of Indiana, That Little Pigeon creek, be and the same is hereby declared a public highway, from Steel's mill to the mouth thereof.

This act to be in force, from and after its publication.

CHAPTER LVII.

An act for the improvement of the navigation of the Wabash below Vincennes.

[APPROVED, JANUARY 29, 1830.]

Appropriation.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the sum of four thousand five hundred and twenty eight dollars fifty-two cents, of the fund reserved for the improvement of the Wabash river, is hereby appropriated to be expended as hereinafter directed, for improving the navigation of said river, at the Grand Rapids, and such other points between its junction with the Ohio river, and Little Rock Ripple near Palmyra, inclusive, as presents the most serious obstructions to steam boat navigation.

Commissioner when to be appointed.

SEC. 2. That a commissioner shall be elected by joint ballot of the general assembly, at the first session after being informed that a commissioner has been appointed, and a like sum appropriated to the same object, by the state of Illinois, for the purpose of expending the appropriations hereby made in the improvement of the navigation of said river, to act in conjunction with such commissioner to be appointed as aforesaid on the part of Illinois.

Commissioners duty.

SEC. 3. That the said commissioner on the part of this state, shall annually submit to the general assembly, a report of their proceedings, embracing the result of their examinations, the estimate required, the amount and manner of their expenditures. The said commissioner shall receive for his services two dollars per day, while necessarily engaged in the discharge of his duty, to be paid by the treasurer of state whenever he shall present his account for the same duly certified under oath.

Compensation.

Gov. to correspond with Illinois, &c.

SEC. 4. That the governor of this state, be and he is hereby requested, to correspond with the governor of Illinois upon this subject, and inform him of the passage of this act, and invite a union of efforts by the two states; and as soon as the governor of this state, shall be advised by the governor of Illinois, that she is prepared to act on her part in the manner contemplated by this act, the two executives shall agree upon the time and place of meeting of said commissioners. The governor of this state is requested to give information to the commissioner, who shall then proceed to the discharge of his duties, he first giving bond in the sum of ten thousand dollars, for the faithful discharge of his duties, to be approved of by the governor.

Commissioners bond.

Gov. further duty.

SEC. 5. That the governor of this state, be and he is hereby further requested, to obtain from the war depart-

ment, the reports of the United States' engineer, who was ordered to examine and survey the Grand Rapids of the Wabash in 1828, and when obtained to report the same to the state engineer of this state, and direct him when he can, compatibly with his other duties, to make a survey and examination of the Wabash, from its mouth to Little Rock Ripple, inclusive, and immediately thereafter, make a report of said examination to the commissioner; who shall submit the same or a copy thereof to the general assembly.

SEC. 6. When a commissioner shall have been appointed, qualified and notified as provided above, and furnished with the estimates of expenses, he shall proceed in conjunction with such commissioner as may be appointed to act on the part of Illinois (if compatible with the instructions of such commissioner) to lay off in sections, or jobs, the excavation of a channel at the places which most require it; which jobs shall be as small as the nature of the work to be performed will advantageously admit of; and when so laid off, having given notice in the newspapers printed in the towns of Cincinnati Ohio, Louisville Kentucky, and the newspapers printed on the Wabash, shall upon a day or days so advertised, sell to the lowest bidder such sections or jobs, under stipulations, as to the time and manner of performing and completing, that will authorize the commissioners to remove any contractor from his job, when they shall believe that the interests of the work requires the employment of more efficient men; and the commissioner on the part of this state, shall in no case pay to any contractor, a sum more than equal to one half the value of work actually done under contracts, until the whole is completed and received.

Commissioners duty.

Job how let.

CHAPTER LVIII.

An act to provide for the removal of obstructions to the navigation of Eel river.

[APPROVED, JANUARY 4, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the sum of three hundred dollars be appropriated, out of the three per cent. fund, for the purpose of removing drifts and other obstructions, to the navigation of Eel river, below Croy's mill, in the county of Clay; and that John Ridgley be hereby appointed commissioner to draw and expend the same, as hereinafter directed.

Appropriation

Commissioner

Commission-
ers bond.

SEC. 2. The commissioner aforesaid, before entering upon the duties of his appointment, shall execute a bond with two or more freehold securities, in double the amount of the sum hereby appropriated, to be approved by the board doing county business in the county of Clay, payable to the treasurer of state and his successors in office, conditioned for the faithful application of the funds coming to his hands under this act; which bond shall be filed in the office of the clerk of the circuit court of said county; and it shall be the duty of the clerk to transmit a certified copy thereof to the agent of the three per cent. fund; who, upon application thereafter, is hereby authorized to pay over the money appropriated by this act.

Commission-
ers duty.

SEC. 3. It shall be the duty of the commissioner aforesaid, to proceed in the month of June next, or as soon thereafter as practicable, to let by jobs, the removal of such obstructions to the navigation of said Eel river, as will in his opinion, tend most to its improvement; and in no case to make advances of money, until the stipulations of contracts have been complied with.

Further duty.

SEC. 4. It shall be the duty of the commissioner aforesaid, to keep an exact account of the number of days he is employed in the duties enjoined by this act, and also of the contracts by him made under it; a copy of which it is hereby made his duty to transmit to the treasurer of state, for the inspection of the general assembly and all concerned; and the commissioner shall receive as a compensation for his services, one dollar per day for every day he may be necessarily employed under the provisions of this act.

Mill dams
protected.

SEC. 5. Nothing in this act shall be so construed, as to authorize the removal of any mill dam now erected across said stream, the owners of which shall be governed, and protected, in every respect by the provisions of "an act declaring certain streams therein named navigable;" approved, January 26, 1824.

Appropriation to Bus-
seron creek.

Commissioner

SEC. 6. And be it further enacted, That the sum of one hundred and fifty dollars out of the three per cent. fund, is hereby appropriated for the improvement of Busseron creek, in the county of Sullivan; and Orson Willard is hereby appointed a commissioner to draw and lay out said money; and the said commissioner shall have power to expend said money in such way and manner, for the improvement of the navigation of said creek, as to him may seem best and proper.

Willard's
bond.

SEC. 7. Before the said commissioner shall be authorized to receive said money of the agent of the three per cent. fund, he shall first file a bond with one or more freehold securities, to be approved by the clerk of the

circuit court of Sullivan county, in the office of said clerk, in the penalty of three hundred dollars, payable to the treasurer of state, conditioned for the faithful appropriation of said money, according to the true intent and meaning of this act.

SEC. 8. The certificate of the clerk of the said county, that the requisition of the foregoing section has been complied with, shall be sufficient authority for the agent of the three per cent. fund to pay over said money to the said Willard.

SEC. 9. It shall be the duty of the said commissioner to be governed in all respects by the fourth section of this act, and shall receive like compensation for his services. Willard's du-
ty.

This act to take effect and be in force, from and after its passage.

CHAPTER LIX.

An act to amend an act, entitled "an act for the Relief of occupying claimants of land."

[APPROVED, JANUARY 28, 1830.]

SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That the court rendering judgment, in any such case as is provided for in the first section of the act, to which this is an amendment, shall, at the request of either party, cause a jury of twelve good and lawful men of the proper county to be empannelled and sworn, as in other cases of trial by jury, to assess the value of all lasting and valuable improvements, made (as in the said first section of said act mentioned) on the land in question, previous to receiving actual notice, as in said first section mentioned, of such adverse claim; and in assessing the value of such improvements, the jury shall take into consideration, all damages which the land in question may have sustained, by waste or cultivation, and deduct the same from the estimated value of such improvements; and the jury shall also assess the value of the land in question, at the time of rendering judgment as aforesaid, without the improvements made thereon, or damages sustained by waste or cultivation as aforesaid; and if either party shall be aggrieved by such assessment or valuation, the court may, in their discretion (as in other cases of trial by jury) set aside the verdict of assessment, and grant a new assessment, or either party may, for error, appeal to the supreme court, or have a writ of error as in other cases. Jury when to be called to value improvements, &c. Verdict how set aside.

Repeal.

SEC. 2. The second section of the act, to which this is an amendment, be and the same is hereby repealed.

CHAPTER LX.

An act to provide for the distribution of the Laws and Journals, and for other purposes.

[APPROVED, JANUARY 30, 1830.]

Contract for printing.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the secretary and treasurer of state, and auditor of public accounts, or a majority of them, are hereby required annually hereafter, to make and close, on the behalf of the state of Indiana, a contract or contracts, with one or more printer or printers, at least one hundred days before the first day of the next general assembly, for all the public printing that may be required, for one year ensuing the date of such contract, upon the most advantageous terms, giving the contract to the lowest responsible bidder; taking into view, the manner, time and place of doing the same.

Terms of contract.

Time limited.

Printer's bond.

Index, notes, &c. to laws.

Copies.

SEC. 2. The contract or contracts so made with any such printer or printers, shall specifically require such printer or printers, to do and perform all the printing which may be by them done and performed under such contract, with immediate despatch and in a good, neat and workmanlike manner, without any delay whatever; and that the journals of the senate and house of representatives, and the laws and journals of each session of the general assembly, shall be printed, stitched and ready to deliver to the secretary of state within twenty-five days after the rising of the general assembly.

SEC. 3. That the said secretary, treasurer and auditor shall take bond of such printer or printers payable, to the state of Indiana, in the sum of five thousand dollars, conditioned for the true and faithful performance of their contract, with at least two sufficient securities, and the condition of said bond shall specifically state all the particulars of said contract.

SEC. 4. The secretary of state, be, and he is hereby required to make an index and marginal notes to the acts and joint resolutions of each session of the general assembly, and furnish the same to the state printers, together with a correct copy of the acts and joint resolutions, in due time, so as not to delay the printer in the doing and completing the printing, and in printing the acts and joint resolutions, the names of the speaker of the house of representatives, president of the senate, and governor,

shall not be printed, but immediately after the title, the date of approval shall be printed.

SEC. 5. It shall be the duty of the secretary of state, to superintend the printing of the acts and joint resolutions of the general assembly, and to correct the same by the enrolled bills in his office, and when the printing of the same shall be finished, to certify the fact of his having compared and found the same correct; which certificate shall be signed and dated by the secretary, and annexed in print, to the volume of the acts and joint resolutions. And the secretary of state is hereby required, to have bound in half binding, all the acts and joint resolutions of the general assembly: *Provided,* The same shall not cost more than nine cents per volume.

SEC. 6. So soon as the said printing shall be completed, and the copies delivered to the secretary of state, he shall give to the said printer, a certificate containing a detailed account of all the printing done by said printer, for the state, and not paid for, together with the total amount due therefor; which certificate, under the hand and seal of such secretary, shall be a sufficient voucher for the auditor of public accounts to audit the same, and give to such printer a warrant on the treasury for the same; which the treasurer of state shall pay out of any money in the treasury not otherwise appropriated.

SEC. 7. The copies of the acts and joint resolutions, when printed and delivered to the secretary of state, shall be distributed as follows, to wit: To the governor, lieutenant governor, secretary, auditor and treasurer of state, one copy each, the United States' judge, and district attorney for the district of Indiana, the judge of the supreme court, and the president judges of the circuit court, and probate judges, each one copy; the circuit prosecuting attorneys each one copy; the several states and territories of the United States, such number not exceeding three, as is received at the secretary's office, from them, respectively; the members of the senate, and house of representatives, the secretaries, clerks, sergeant at arms of the senate, and doorkeepers of their respective houses, each one copy; and the secretary of state shall deliver, and forward the same to the aforesaid persons, by mail or otherwise; noting the same in a book to be by him kept for that purpose: *Provided, however,* That the copies of the laws, and journals to be sent to the members of the general assembly, their secretaries, clerks and doorkeepers shall be distributed as provided by this act, and shall be deposited with the clerks of the counties where the persons entitled thereto may respectively reside.

SEC. 8. The other copies, or volumes not distributed or disposed of as is provided by the last section aforesaid,

Secretary to correct the laws, &c.

Certificate.

Binding.

Printer's account.

Laws how distributed to officers.

Proviso.

Distribution to counties.

shall be distributed as follows, to wit: to the counties of Harrison, Jefferson, Clark, Dearborn, Franklin, Wayne, Washington, Orange and Knox, fifty-five volumes each; to the counties of Fayette, Union, Switzerland, Jackson, Lawrence, Monroe, Sullivan, Vigo, Marion, Putnam, Montgomery, Tippecanoe, Parke, Fountain, Gibson, Bartholomew, Posey, Ripley, Decatur and Rush, fifty volumes each; and to all other counties, forty volumes each; and the said volumes so to be delivered to each of the aforesaid counties, shall be delivered to the clerks of the several counties, except in cases where there may be no clerk; in that case the same shall be delivered to the sheriff of such county; and the said volumes when so delivered to such clerks or sheriffs, shall be distributed by such clerks, or sheriffs, as follows, to wit: to the associate judges, justices of the peace, clerk of the court, recorder of the county, sheriff, and coroner, and each county commissioner, one volume each.

Journals.

SEC. 9. The copies of the journals of each house, shall be distributed in equal proportion among the members of the respective houses; that is, to the members of each house, its own journals; which said journals shall be delivered to the said clerks, and sheriffs of the several counties, in the same way, time, place, and manner, that the aforesaid volumes of the acts and joint resolutions, are to be delivered; and when so delivered to such sheriffs and clerks, the said clerks or sheriffs, shall deliver the same to the members, for whom they are intended; and the secretary of state, shall carefully preserve, and file away in his office of secretary of state, all the volumes of the acts and joint resolutions, together with forty copies of the journals of each house not disposed of otherwise by this act.

Laws &c.
preserved.

Distribution.

SEC. 10. The secretary and treasurer of state and auditor of public accounts, or a majority of them, are hereby required annually hereafter, to contract with some person or persons for each judicial district in the state, to convey, and deliver the several volumes of the aforesaid acts, and joint resolutions, and journals, to the several persons, counties, and places, pointed out by this act, taking bond and security of the undertakers for the faithful performance of the contract; and so soon as such undertaker shall produce to the secretary of state, the receipt of the several clerks, or sheriffs authorized to receive the laws and journals aforesaid, setting forth that the proper number of volumes of the laws and journals have been delivered in good order, the said secretary shall then certify, under his hand and seal, that such undertakers have performed their contract, and the amount that is due to such undertakers for the same; which cer-

Pay for dis-
tributing, how
audited.

tificate of said secretary shall be a sufficient voucher for the auditor of public accounts, to give to such undertaker an audited warrant therefor; and the treasurer of state, is hereby authorized to pay such warrant, out of any money in the treasury, not otherwise appropriated.

SEC. 11. That in all cases, where any person employed to distribute the laws and journals of this state, shall fail or neglect to perform his duties, agreeably to his contract, it shall be the duty of the secretary of state, to cause suit forthwith to be commenced on such contractor's bond, and have the same prosecuted to final judgment, and it is hereby made the duty of the prosecuting attorney of the district where said suit shall be commenced, to attend and prosecute the same for, and on behalf of the state, and collect and pay over the amount recovered, into the state treasury.

Suit vs. dis-
tributers.

SEC. 12. It is hereby made the duty of the clerks of the circuit courts of each county, to make a record of the day, and date of the reception of the acts and joint resolutions, as above authorized in his office, and such record, shall be deemed, and taken, as the time of the publication of the said laws within said county.

Clerks to re-
cord when
acts are rec'd.

SEC. 13. The secretary and treasurer of state and auditor of public accounts, or a majority of them, are hereby required annually, in like manner, sixty days before the first day of each and every general assembly, to close a contract or contracts, with some person or persons, for furnishing the necessary firewood, or other fuel and stationary for the use of the houses of the general assembly, and shall enter into bonds as in the case of contracts for printing, which contracts shall be severally reported to the general assembly, within three days after the commencement of each session, by the secretary of state.

Stationary
contract.

SEC. 14. Previous to entering into any such contract, or contracts, the secretary, treasurer of state and auditor of state, shall give public notice thereof in such way and manner as they, or a majority of them shall deem most advisable.

Notice.

SEC. 15. In all counties where there may be surplus copies of the laws of either this, or any preceding or succeeding year, it shall be the duty of the clerk of each of such counties, to deliver one of each of such surplus copies to each officer entitled to the laws, who has not previously had a copy of the same, on such officer applying for the same.

CHAPTER LXI.

An act for the Relief of Julius Johnson.

[APPROVED, JANUARY 29, 1830.]

Security.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That if Julius Johnson, collector of Martin county for the year 1822 and 1823, shall, before the first day of July next, secure to the state, the balance of revenue now due from him, which security shall be approved by the auditor of public accounts said Johnson shall be discharged from all liability on the judgments rendered against him for said balance, except for the costs; and shall be allowed until the first day of December 1832 for paying said balance.

Kind of security, &c.

SEC. 2. The auditor of public accounts, may take either real or personal security from the said Johnson, for said balance, if said security be deemed perfectly satisfactory; and the balance to be considered as due from the said Johnson, shall be the amount now standing on the books against said Johnson, deducting all legal offsets which the said Johnson may have against the same: *Provided*, The present securities of said Johnson, shall enter their assent thereto, on the records of the court where said judgment against said Johnson is rendered.

Proviso.

This act to take effect and be in force from and after its passage.

CHAPTER LXII.

An act for the Relief of Samuel Postlewait of Dubois county.

[APPROVED, JANUARY 22, 1830.]

May collect taxes of 1824 and 1827.

Be it enacted by the General Assembly of the state of Indiana, That Samuel Postlewait collector of Dubois county for the years 1824 and 1827, be and he is hereby authorized, to collect any arrears of taxes, which may remain due and unpaid, for either of the years aforesaid, in the same manner, and under the laws then existing on the subject of collecting the revenue, and when so collected, to apply the same to his own use.

This act to be in force from and after its passage.

CHAPTER LXIII.

An act for the Relief of James Ball.

[APPROVED, JANUARY 18, 1830.]

Be it enacted by the General Assembly of the state of Indiana, That the agent of the three per cent. fund be, and he is hereby required to pay James Ball the sum of two hundred and forty-six dollars, out of the unexpended balance of the three per cent. fund now in his hands, that was formerly appropriated on a state road, leading from the Highlands on White river, through Washington and Burlington to Indianapolis, for building a bridge over Smother's creek, and for twelve days services, as commissioner on said road, in locating and marking the same.

Appropriation

This act to take effect and be in force from and after its passage.

CHAPTER LXIV.

An act for the Relief of Claudius G. Brown.

[APPROVED, JANUARY 14, 1830.]

Be it enacted by the General Assembly of the state of Indiana, That the sum of three hundred dollars, be, and the same is hereby set apart, appropriated and allowed Claudius G. Brown, out of the college fund; which sum shall be paid him or his attorney in fact by the superintendent of the loan office, and shall be in full of said Brown's claim against the former Vincennes University, now Knox county seminary; and in full of all claims or demands of said Brown against the said University, and against any seminary fund, or lands within the state of Indiana, and against the said state, of any name or nature whatever, up to the day of the passage of this act.

Appropriation out of college fund.

This act shall take effect and be in force from and after its passage.

CHAPTER LXV.

An act for the Relief of Drury Holt and Vincent Cooper.

[APPROVED, JANUARY 21, 1830.]

Trustees of school sec. may make allowance.

Proviso.

Trustees may lease.

Be it enacted by the General Assembly of the state of Indiana, That the trustees of the congressional township number fourteen, of range nine, east of the second principal meridian line in the county of Rush, are hereby authorised to make Drury Holt and Vincent Cooper, such allowance for improvements which they have heretofore made on the sixteenth section in said township, as the said trustees shall deem just and reasonable, to be paid out of any monies arising from the sale of the lots on which said improvements are situate. The trustees, in making such allowance, shall take into consideration, the value of the improvements, the time they have enjoyed the benefit thereof, and the waste committed on the premises by the occupants; the allowance so made shall be paid by the school commissioner of Rush county, on the order of the trustees of said township, out of the proceeds of the sale of said section: *Provided however,* That the allowance so made, shall not reduce the proceeds arising from the sale of the lots, on which said improvements are situate, below one dollar and twenty-five cents per acre.

SEC. 2. That if the above named section, shall not have been sold, at the time of the taking effect of this act, it shall and may be lawful for the trustees of said township to lease to the said Drury Holt and Vincent Cooper, their respective improvements on said section, for any term of time not exceeding four years, in lieu of the compensation authorised in the first section of this act.

This act to take effect and be in force from and after its publication.

CHAPTER LXVI.

An act to authorize the collector of the revenue of Jackson county for 1829, to sell lands for the taxes due thereon; and for other purposes.

(APPROVED, JANUARY 21, 1830.)

Power to sell lands.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Richard Beem, collector of the revenue of Jackson county for the year 1829, be, and he is hereby authorised, to expose at public sale, at any time during

the year 1830, any lands in said county, on which the taxes are due and unpaid, in the same manner, and under the same rules and restrictions, as it respects publication and sale, as is now provided for by law already in force; and the sales so made, under the provisions of this act, shall be as valid, as though the same had been on the day and time provided for in the law now in force.

SEC. 2. And if the lands, or lots offered for sale, or any part thereof, will not sell for want of buyers, it shall be the duty of the clerk of the circuit court of Jackson county, to certify that fact to the auditor of public accounts, whose duty it shall be, forthwith to give said Richard Beem, a warrant on the treasury, for the amount of taxes charged on the lands so certified to have been offered for sale, under the provisions of this act, and not sold for want of buyers; and the treasurer of state, shall pay the same out of any money in the treasury, not otherwise appropriated.

Delinquent list to be credited.

SEC. 3. And the collector of the state and county revenue for the county of Shelby, for 1829, be and he is hereby allowed until the first Monday in May next, to make and complete his payment, into the said county, for the revenue of the year 1829.

Collector of Shelby allowed further time.

SEC. 4. That John Foster, collector of the revenue of Hancock county, for the year 1829, be, and he is hereby authorised, after giving the notice required by law, to sell all lands assessed in said county, for state and county revenue, for the year 1829, and which has not been paid, under the same restrictions, and limitations, that collectors are by law, to sell and dispose of lands for the non-payment of state and county revenue.

Collector of Hancock may sell land.

This act to take effect, and be in force, from and after its passage.

CHAPTER LXVII.

An act to facilitate the opening of the Cumberland road, and preserve the same from being obstructed or injured.

[APPROVED, JANUARY 21, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That so much of the road, commonly called "the Cumberland road," located under the authority of the United States, as passes through this state, shall be, and the same is hereby declared in width eighty feet, a public highway; and the superintendents acting under the laws of the United States, are hereby authorized to cause the same to be opened.

Declared a public highway.

Damages by opening, how assessed.

SEC. 2. If any person, or persons, through whose land said road passes, and who may not have relinquished to the United States, land for that purpose, shall hereafter feel aggrieved by the opening of said road, it shall be lawful for such person or persons, to file a petition in the circuit court of the proper county, praying the appointment of commissioners to assess the damages, if any, by them so suffered. And it is hereby made the duty of said court, thereupon to appoint three disinterested, intelligent men as commissioners; who shall, having taken an oath to estimate impartially, proceed to view and determine the amount of damages, if any, sustained by the petitioner or petitioners, in which estimate, due regard shall be had to the advantages resulting to the country, from the construction of said road; and the commissioners aforesaid, shall make return of their proceedings to the court, by which they were constituted, at the next session thereof; and the damages, if any, so ascertained, shall be paid by an order, in favor of the person or persons injured, on the state treasury; which order shall be signed by one of the associate judges of the proper county, and entitle the holder to the amount thereof; and the auditor of public accounts, is hereby authorized to audit, and the treasurer of state to pay the same, out of any money in the treasury, not otherwise appropriated; and where damages are not found by the commissioners aforesaid, such petitioner, or petitioners, shall pay all costs incurred by the inquiry.*

How paid.

Costs.

Duty of supervisors.

Penalty for obstructing.

Other injuries.

SEC. 3. It is hereby made the duty of the several supervisors of this state, through whose road district the said road passes, to cause obstructions, within fifteen feet of the centre, each side, to be removed in the same manner, as is provided for other public roads, the same having been first opened by the United States. And any person or persons, who shall obstruct said road, after having been so opened by the United States, and suffer such obstructions to remain, to the hindrance of passengers, and inconvenience of the public, shall be subject to the same penalties, as is provided by the 26th section of the act, entitled "An act for opening and repairing public roads and highways;" approved January 4, 1828; and it shall hereafter be the duty of the several supervisors, through whose district the road passes, to enforce the same.

SEC. 4. If any person or persons, shall intentionally break, deface, remove, injure or damage, any bridge, guard-wall, or other work or improvement, which hereafter may be constructed or done for the improvement, use, security, or ornament of said road, he or they shall, upon conviction, by indictment in the proper circuit court, for

* See also the act in relation to the action of Trespass, page 111.

feit and pay treble the amount of the injury or damage done, together with costs of prosecution; one half of which forfeiture shall go to the informer or informers, and the other half to the repair of said road.

CHAPTER LXVIII.

An act in relation to the action of trespass.

[APPROVED, JANUARY 25, 1830.]

Be it enacted by the General Assembly of the state of Indiana, That in any action of trespass, in which recovery may be had, against any person or persons, for any trespass committed necessarily in opening the road, commonly called the National or Cumberland road, located and opened, and to be opened and completed by the United States, the plaintiff shall recover no costs; and the defendant or defendants to such action of trespass, shall be at liberty to plead the said matter in defence of the recovery of the costs in such action; and the jury shall inquire and find whether such plea be true or not, and the court shall give judgment accordingly; and in actions before justices of the peace, the said matters of fact may be pleaded as above, and inquired of by the jury or the justice determining the same.

Costs when not recoverable.

This act shall be in force from and after the passage thereof.

CHAPTER LXIX.

An act to establish a state road from Lake Michigan, by way of Indianapolis, to some convenient point on the Ohio river.

(APPROVED, JANUARY 13, 1830.)

SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That the road surveyed and marked by John I. Neely, Chester Elliott and John M'Donald, from Lake Michigan to Indianapolis, in pursuance of the provisions of an act to provide for surveying and marking a road from Lake Michigan, to Indianapolis, approved January 24, 1828, as laid down in the field notes of the second survey and route, deposited in the office of the secretary of state be, and the same is hereby established the road which the state of Indiana is authorized to locate and make, by the second article of a treaty made and concluded near the mouth of the Mississinewa, upon the Wabash, in the

Read from L. Michigan to Indianapolis established.

Continued to
Madison.

Commission-
ers and their
duties.

Governor's
duty.

Governor's
further duty.

state of Indiana, on the sixteenth day of October, 1826, between the commissioners on the part of the United States, and the Chiefs and Warriors of the Potawatamie tribe of Indians; and also further authorized, by an act of Congress of the United States, of the second March, 1827; and the said road be and the same is hereby continued, from the said town of Indianapolis, along, in and upon the state road, through the town of Greensburgh, to the town of Madison, on the Ohio river, in the county of Jefferson.

SEC. 2. That Samuel Hanna, of the county of Wayne, William Polke of the county of Knox and Abraham M'Lelland of the county of Sullivan, be and they are hereby appointed commissioners on said road, and shall meet at the town of Madison, on the first Monday in May next, or so soon thereafter as they can agree on; and after taking an oath, well and truly to do and perform, all and singular, the duties enjoined on them by this act, before some justice of the peace, they shall proceed to examine so much of said road, as lies between the said towns of Madison and Greensburgh; and if they shall think that said road, or any part thereof, can be advantageously changed, they shall employ a surveyor, marker and chain bearers; and survey, measure and mark such change or changes; and shall forthwith file in the office of the secretary of state, and also in the clerk's offices at Greensburgh and Madison, a true copy and plat of such survey, and also the courses and distances, and field notes of the same.

SEC. 3. That his excellency, the governor, be, and he is hereby requested forthwith, to open a correspondence and negotiation with the proper authorities of the general government, and ascertain, as early as possible, when and how the lands, donated by the treaty and act of Congress aforesaid, to the state of Indiana, to open said road, are to be surveyed; and whether they are to be surveyed by the state of Indiana, or the general government; and urge the immediate survey of the same by the general government; and take all such other steps and measures, necessary to cause the same to be surveyed and made ready for market, on or before the first Monday of December next.

SEC. 4. If the correspondence and negotiations, between the governor of this state and the general government, on the subject aforesaid, of surveying the aforesaid lands, shall terminate in the general government undertaking to survey the same, it shall be the duty of the governor in that case, to notify the aforesaid commissioners, when to proceed to the selection of said lands. But if such aforesaid correspondence and negotiations, shall terminate

in the refusal of the general government to survey said lands; it shall be the duty of the governor, to notify said commissioners, to employ immediately, a sufficient number of good and sufficient surveyors, markers and chain-bearers, and proceed to select and survey said land into sections, in the manner and form, that the lands of the United States are surveyed and laid off, or as nearly so as practicable; and number the sections in numerical order, one, two, three, four, and so on, through the whole number of sections.

SEC. 5. Said commissioners shall each receive the sum of two dollars per day, for their services; and the auditor of public accounts, be, and he is hereby directed to audit and the treasurer to pay the same out of any money in the treasury not otherwise appropriated. And it is hereby made the duty of the commissioners, to give to such surveyors, markers and chain-bearers, as may be by them employed, a certificate under their hands and seals, certifying the amount due to each, for his services; and the auditor of public accounts, be, and he is hereby directed to audit, and the treasurer to pay the same, out of any money in the treasury, not otherwise appropriated.

SEC. 6. Said commissioners shall keep a complete and correct record of all their proceedings, contracts and expenditures; and shall make complete maps, plats and field notes of their surveys; noting all remarkable and valuable places, that is to say, streams of water, springs, stone quarries, coal mines, minerals, soil and timber, and make return of, and file the same in the office of the secretary of state, on or before the first Monday in December next.

SEC. 7. That all monies expended in surveying, marking and locating the aforesaid road, from Lake Michigan to Indianapolis, and from thence to the Ohio river, and in surveying and selecting said lands, under the provisions of this act, or any act heretofore passed, or any act hereafter to be passed, which may or shall be paid out of the treasury of state, shall be refunded to the state out of the first monies arising from the sale of the aforesaid lands, together with all incidental expenses connected therewith.

SEC. 8. Said commissioners are hereby authorized and required, previous to making an absolute location of that part of said road, lying between the said towns of Madison and Greensburgh, to take releases of the various individuals, through whose land said road may run, of all damages which any such individual or individuals may sustain, in consequence of said road running through his, her or their land; and shall also procure their assent, together with the assent of all individual land holders, contiguous to said road, to permit the state to take, carry

Commission-
ers' compen-
sation.

Commission-
ers' further
duties.

Appropriations how re-
funded.

Releases.

away and use any stone, timber and gravel, or any necessary materials, which may be found upon their lands, to any reasonable extent, for the construction of said road.

Vacancies.

SEC. 9. In case of a vacancy, by death, removal, resignation or refusal to serve, of one or more of the commissioners, it is hereby made the duty of his excellency, the governor forthwith to fill such vacancy by appointment.

This act shall take effect and be in force, from and after its passage.

CHAPTER LXX.

An act providing for the opening of part of the Michigan road.

[APPROVED, JANUARY 29, 1830.]

Time when
and how
opened.

SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That so much of said Michigan road, as lies between the Wabash river, and the Ohio river, at the town of Madison, shall be, and the same is hereby directed to be cut and opened, one hundred feet wide, between the first day of August 1830, and the last day of November 1831, in the manner following, to wit: cut and clear off of said part of said road, all the logs, timber and underbrush, leaving no stump more than one foot above the level of the earth; and grub thirty feet wide in the centre of said road, in the same way and manner, that the United States' Cumberland road is grubbed through the state of Indiana, except where the timber is now cut off the centre of said road, and on such part of said road, no grubbing shall be done,

Commissioner
appointed.

SEC. 2. That Noah Noble of Marion county, be, and he is hereby appointed a contract commissioner, to carry the provisions of this bill into effect; and for that purpose he is hereby directed to lay off said road, into districts of not more than four miles in length, beginning at the town of Madison, and number said districts in numerical order, one, two, three, and so on; and shall then, after giving three weeks notice, in the neighborhood of each road district, of the time and place of sale, proceed to let the same to the lowest bidder, at such times and places as said commissioner shall name in his notices, so as to have the whole under contract by the third Monday in July 1830.

Contractors'
bonds.

SEC. 3. It shall be the duty of said commissioner to take bond, payable to the state of Indiana, in double the amount of such undertaker's contract, with at least two good and sufficient securities, conditioned for the true and

faithful performance of the contract of such undertaker, within the time, and in the manner contracted for.

SEC. 4. So soon as any such undertaker shall have performed his contract, to the satisfaction of said commissioner, it shall be the duty of said commissioner, to give to such contractor or undertaker, under his hand and seal, a certificate, stating the amount due to such contractor, and what it is due for; and said certificates, when so signed, sealed and delivered, shall be payable out of the first monies arising from the sale of the Michigan road lands, and shall be receivable in payment for said lands, when offered for sale.

SEC. 5. It is hereby made the duty of the secretary of state, to make out the form of the certificates, and have them well and neatly printed, on the best quality of paper, and number them in numerical order, one, two, three, and so on, and record them in a book for that purpose; and after the said commissioner shall have signed and sealed them, the secretary of state shall attest them, before they are delivered to the person in whose favor they are drawn.

SEC. 6. That said commissioner, before he enters upon the duties of his office, shall give bond in the sum of fifty thousand dollars, with at least three sufficient securities, payable to the state of Indiana, conditioned for the true and faithful performance of his duties, as such commissioner; which said bond, shall be taken by the clerk of the circuit court of Marion county, Indiana, and shall be by him disposed of as follows, viz: First he shall cause it to be recorded in the recorder's office of said county of Marion, and then shall forward a true copy thereof under the seal of said circuit court, to the secretary of state, to be by him recorded and filed, and preserved in his office; and the original shall then be filed by said clerk, in the said circuit court clerk's office.

SEC. 7. Said commissioner shall keep a complete record of all his proceedings, the persons with whom he contracts, the amount and particulars of each contract, and the time when each contract may or shall be completed, and all other proceedings necessary to be perpetuated; and shall lay a true copy of all his proceedings, before both branches of the general assembly, at their next annual session, within the first week of said session.

SEC. 8. Said commissioner shall receive the sum of two dollars per day, for his services, for each day he shall be engaged in services, under the provisions of this act, payable out of the first monies arising from the sales of the said Michigan road lands.

SEC. 9. That if the said commissioner hereby appointed, shall refuse to accept the appointment, or shall fail to give bond as required, and take upon himself the duties of said

Scrip how is
sued.

Duty of sec-
retary of
state.

Commission-
er's bond.

Commission-
er's duties.

Compensa-
tion.

Vacancy.

office, on or before the first day of April 1830, or if a vacancy shall at any time happen in any way, in said office of said commissioner, it shall be the duty of the governor, immediately to appoint some person to fill said vacancy; and the person so appointed, shall within ten days after his appointment, accept or reject said appointment, and if accepted, such person shall in all this be governed by the provisions of this act.

This act shall take effect and be in force, from and after its passage.

CHAPTER LXXI.

An act making provision for expending the Mauk's ferry road fund, and for other purposes.

[APPROVED, JANUARY 28, 1830.]

Bridge in Harrison county.

Commissioner and his duty.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the sum of two hundred dollars, out of the monies originally appropriated on the Meridian or Mauk's Ferry road, be and the same is hereby appropriated, on, and towards the completion of a bridge across Big Indian creek, at Kintners ford, in Harrison county; and that Jacob Kintner of said county be, and is hereby continued a commissioner to superintend the same, who shall apply the appropriation aforesaid, as follows, to wit: he shall pay to Walter Pennington, one hundred and forty-five dollars thereof, for labour already done, and yet to be done by said Pennington on the stone work of said bridge; and that the residue of said appropriation, being fifty-five dollars, shall be expended by said commissioner, towards the completion of the wood work of said bridge, which said sum of two hundred dollars, when paid as hereinafter provided, shall be in full of all claim or claims, which the said county of Harrison have or can have, on the unexpended balance of the original appropriation on the Meridian or Mauk's ferry road aforesaid.

R. Beem to pay over.

SEC. 2. It shall be the duty of Richard Beem of Jackson county, who is now the commissioner on the road aforesaid, on application being made, to pay the said sum of two hundred dollars, to Dennis Pennington, of the said county of Harrison, out of any monies that are now, or may come into his the said Beem's hands, of the unexpended balance of the said original appropriation, taking said Pennington's receipt for the same, and it shall be the duty of the said Dennis Pennington, without delay, to pay the said money over to the said Jacob Kintner, such commissioner as aforesaid, and to be by said com-

missioner applied and expended as provided for in the first section of this act.

SEC. 3. In case the said commissioner Richard Beem, should not have in his hands, at the taking effect of this act, the whole of the unexpended balance of the money originally appropriated on the road aforesaid, and after being furnished with a written statement, in relation to such unexpended balances, made out and attested by the agent of the three per cent. fund, then and in that event, it shall be the duty of the said commissioner Beem, to make demand of, and receive from any person or persons, who shall have the whole or any part of the unexpended balances of the original appropriation aforesaid; and in case the person or persons holding the same, shall on such demand being made, refuse or neglect to pay to the said Beem, the monies so holden, it shall be the immediate duty of the said commissioner Beem, to sue for, and recover the same, in any court having jurisdiction thereof; all necessary and legal costs accruing therein, against the said Beem, shall be paid out of the said road fund.

Beem's further duty.

Suit.

SEC. 4. *And be it further enacted*, That the whole of the balance of the unexpended original appropriation aforesaid, which now is, and may hereafter come into the hands of the said commissioner Beem, (after paying therefrom the two hundred dollars named in the first section of this act, and such sum as said fund shall be legally bound for, under contracts heretofore made by said Beem, together with all other legal claims against the same,) shall be considered and called the Mauk's ferry road fund, and paid out by said Beem, as is hereafter provided.

Beem's further duty.

SEC. 5. The said Mauk's ferry road, from the line of Harrison and Washington counties, to the town of Franklin, in Johnson county, shall be, and is hereby laid off into four sections, that is to say: that part which is within the county of Washington, estimated at twenty-five miles in length, shall be the first section of said road; that part which is within the county of Jackson, estimated at twenty-two miles in length, shall be the second section of said road; that part which is within the county of Bartholomew, estimated at twenty-two miles in length, shall be the third section of said road; and that part which is within the county of Johnson, estimated at ten miles in length, shall be the fourth section of said road; and it shall be the duty of Richard Beem, the commissioner aforesaid, to pay to each of the commissioners hereinafter named, or their respective successors, the amount of dividend of the said Mauk's ferry road fund, which the several sections above denominated, shall be entitled to, according to the estimated length of each section aforesaid.

1st section of road.

2d.

3d.

4th.

Beem's further duty.

Commissioner
on 1st section
and duties.

SEC. 6. George Housh of the county of Washington, be and he is hereby appointed commissioner, on the section of said road numbered first, who shall enter into bond with sufficient security, in the office of the clerk of the Washington circuit court, in the penal sum of five hundred dollars, payable to the state of Indiana, conditioned for the faithful discharge of all the duties enjoined on said commissioner by law; and moreover, shall take an oath before said clerk, (who is hereby authorised to administer the same) faithfully and impartially, to discharge the duties required of him, according to law; a certificate of which oath shall be endorsed on the aforementioned bond, and a copy of which certificate, shall be handed to the said commissioner by said clerk.

Further duty. SEC. 7. The commissioner named in the foregoing section, shall immediately, and at a suitable season of the year after having received from the said commissioner Beem, the whole or any part of the dividend by this act made applicable to the section of the road aforesaid, proceed to expend the same, by the employment, of daily or monthly labours and teams, whose labour shall be aided, superintended, and directed by the said Housh, until the whole of the said dividend shall have been expended, reserving to himself however, as a compensation for his services, one dollar for each day which he may be necessarily employed, under the provisions of this act: which said dividend shall be laid out as far as it will go, or as much as may be necessary, on the following objects, to wit: to cut, dig and repair, that part of said road which lies between the foot of the Great Muscakituck hill, and the fifty second mile post, which said road shall be divided between the points last aforesaid, so as to make a new route on the lower, or the westerly side of the present route, so as to gain the summit of the ridge immediately at the mile post aforesaid, which shall be so laid out and dug, as to have a regular acclivity from one point to the other; however, it is not to be understood that the existing route of said road shall be impaired, but both routes shall be considered public highways, and kept in repair accordingly, until otherwise directed by the proper board of justices; and the said commissioner Housh, shall expend the residue of said dividend, (if any there be) in the further improvement of said road, within the county of Washington, as he shall believe most to conduce to the public interest; a detailed statement of the said expenditures and disbursements shall be returned by the said Housh to the said Beem.

Compensation.

Route and
description of
road.

Duty of county
boards.

Commissioner
on 2d sec. &
his duties.

SEC. 8. Richard Beem, the present commissioner on the said Mauk's ferry road, shall lay out and expend, the dividend of the Mauk's ferry road fund, which the said

second section of said road shall be entitled to, on said road, and within the county of Jackson, to such objects and in such manner, as he shall deem proper; reserving however the right and privilege to said Beem, should he deem it for the interest of the country, to pay from his said dividend, to George Housh, as commissioner on the first section, and to be by said Housh expended on said road between the river Muscakituck and Andrew Housh's, the sum of fifty dollars, which said sum said Beem is hereby authorised and empowered to pay at his discretion, which shall be in addition to, and in aid of the dividend allowed on the said first section of said road; and it (shall) be the further duty of the commissioner Richard Beem, immediately on the conclusion of the proceedings under the provisions of this act, to make out, and transmit to the agent of the three per cent. fund, a complete statement in writing, shewing the manner in which the said balance of the said original appropriation shall have been disbursed, and by whom so disbursed.

Report to
agent.

SEC. 9. Joseph Pownell of Bartholomew county, be, and he is hereby appointed a commissioner on that part of said road, which in this act is denominated the third section of the Mauk's ferry road, who shall enter into bond, and take an oath before the clerk of the Bartholomew circuit court, in the same manner prescribed in the sixth section of this act, which said clerk is hereby authorised and required to take and administer the same; the commissioner last above named, after having been thus qualified, and after having received from the said commissioner Beem, all or any part of the dividend of said Mauk's ferry road fund, which the said third section of said road shall be entitled to, under the provisions of this act, who shall immediately proceed to expend the said dividend of money, in building bridges across streams on said road, or on further repairs to the same, which has not been vacated, and within the said county of Bartholomew, at his (the) said Pownell's discretion, taking into consideration the public interest, reserving to himself, out of said dividend, one dollar for each days service necessarily rendered by him, under the provisions of this act; a detailed statement of said disbursement, shall be by said Pownell, transmitted to the said commissioner Beem, immediately after completing said expenditure.

Commissioner
on 3d sec. &
his duties.

Compensation

SEC. 10. Robert Gillicrees of the county of Johnson, be, and he is hereby appointed commissioner on the said fourth section of said road, who shall enter into bond, and take an oath, before the clerk of the Johnson circuit court, in the same manner prescribed in the sixth section of this act, which said clerk is hereby authorised and required to take, and administer the same; the commissioner

Commissioner
on 4th sec. &
his duties.

last aforesaid, after having been qualified as aforesaid, and after having received from the said commissioner Beem, all or any part of the dividend of the said Mauk's ferry road fund, which the said fourth section of said road shall be entitled to, under the provisions of this act, who shall immediately proceed to expend the same in building a bridge across Young's creek, on said road, or on further repairs to said road, within said county of Johnson, and south of the town of Franklin, at his discretion, taking into consideration the public interest, reserving however to himself, out of said dividend, one dollar for each day's service necessarily rendered by him, under the provisions of this act: a detailed statement of his proceedings shall be by said Gillicrees transmitted to the said commissioner Beem, shewing the manner in which he disbursed the said dividend.

Compensation

Vacancies.

SEC. 11. Should any of the commissioners appointed by the provisions of this act, refuse to serve, resign or die, it shall be the duty of the board doing county business, in the county in which such vacancy may so happen, to appoint a successor, or successors, and the person or persons so appointed, shall have all the powers, and perform all the duties by this act given to, and required of the commissioners in whose stead, he or they may be so appointed.

Repeal.

SEC. 12. All acts and parts of acts now in force, contravening the provisions of this act, be and the same are hereby repealed, so far only, as they effect the provisions of this act.

This act to take effect, and be in force, from and after its passage.

CHAPTER LXXII.

An act to provide for changing a part of the state road leading from Mauk's ferry to Indianapolis.

[APPROVED, JANUARY 22, 1830.]

Commissioners duty.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Richard Beem, commissioner on the state road leading from Mauk's ferry to Indianapolis, be and he is hereby authorized to relocate so much of said road, as lies between the east fork of White river and Brownstown, taking especial care to locate the same the nearest way, and on the best ground that can be had; and the commissioner aforesaid shall cause the survey of the road so relocated, to be recorded in the clerk's office of Jackson county; and the road so relocated and recor-

ded, shall from thenceforth be considered a part of said state road: and so much of said state road as lies between the east fork of White river, and Brownstown, shall from thenceforth be considered vacated.

SEC. 2. And it shall be the duty of the board doing county business of Jackson county, to cause that part of County board said road relocated and recorded under the provisions of this act, to be opened as county roads are.

This act to take effect and be in force from and after the passage thereof.

CHAPTER LXXIII.

An act providing for the location, opening and improvement of certain state roads.

[APPROVED, JANUARY 9, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Amos Robertson of the county of Putnam, be appointed a commissioner, to locate and open a state road from Bono, by way of Bedford in Lawrence county, to Bloomington in Monroe county, thence by way of Greencastle in Putnam county and Crawfordsville in Montgomery county, to Lafayette in Tippecanoe county; and that the sum of fifteen hundred dollars, be and the same is hereby appropriated for that purpose.

From Bono to Lafayette.

SEC. 2. That the sum of five hundred dollars be appropriated on the state road located from Indianapolis to Lafayette in Tippecanoe county, to be laid out by the commissioner thereon heretofore appointed.

Indianapolis to Lafayette.

SEC. 3. That the sum of five hundred dollars be appropriated on so much of the state road from Greensburgh in Decatur county, through Franklin in Johnson county, Mooresville, and Greencastle in Putnam county, to the state line, in the direction to Vandalia, as lies between Mooresville in Morgan county and the Wabash river, to be laid out by the commissioner heretofore appointed.

Greensburgh to state line.

SEC. 4. That the sum of six hundred dollars be appropriated, on that part of the state road from Indianapolis through Brookville, which lies between Indianapolis and Rushville in Rush county, to be laid out thereon by Rezin Davis, the commissioner.

Indianapolis to Rushville.

SEC. 5. That Samuel Milroy of Carroll county, be appointed a commissioner to locate a state road, from the point of intersection of the Newcastle and Michigan roads, to Delphi in the county of Carroll; and that the sum of two hundred dollars be and the same is hereby appropriated on the same.

Michigan road to Delphi.

Greencastle
to Springfield.

Vacation.

Indianapolis
to Crawfords-
ville.Richmond to
Logansport.Indianapolis
to Montezu-
ma.Newcastle to
Lafayette.Newcastle to
Crawfords-
ville.Terre Haute
to Crawfords-
ville.

SEC. 6. That the sum of five hundred dollars, be appropriated on the state road, leading from Greencastle in Putnam county, by Rockville, Newport and Springfield in Vermillion county, in a direction to Springfield in Illinois; and that so much of said road, as lies between Springfield in Vermillion county, and the state line, be and the same is hereby vacated. Joseph Potts of Parke county, is hereby appointed a commissioner to lay out the said appropriation, in paying the expenses of the location heretofore made, and in the opening said road.

SEC. 7. That Dennis Ball, of Montgomery county be appointed a commissioner to extend the location of the state road from Indianapolis to Crawfordsville, so that it shall run to Williamsport in the county of Warren, from thence to the state line, in a direction to Chicago; and that the sum of seven hundred and fifty dollars, be appropriated to be laid out on the same.

SEC. 8. That Thomas Craner of the county of Wayne, be appointed a commissioner to locate and open a state road, from Richmond in Wayne county, to Logansport in Cass county; adopting as the route of said road, from Richmond, the nearest and best road now in use, to the town of Washington, thence the nearest and best way, via Munseytown in Delaware county and Miamiesport in Cass county, to Logansport in said county of Cass; and that the sum of one thousand dollars be appropriated on the same; which monies shall, after the location of said road, be laid out in improving that part of the same, lying in what is commonly called the New Purchase.

SEC. 9. That George Piercy of the county of Putnam, be appointed a commissioner on the road from Indianapolis by Danville and Rockville to Montezuma, and that the sum of five hundred dollars be appropriated on the same.

SEC. 10. That the sum of nine hundred dollars be appropriated and laid out, on the state road from Newcastle to Lafayette, under the direction of the commissioner heretofore appointed thereon.

SEC. 11. That Daniel Heaton of Hamilton county, be appointed a commissioner to locate and open a state road, from Newcastle in Henry county, by way of the Falls of Fall creek and Noblesville, to Crawfordsville; and that the sum of eight hundred dollars be appropriated on the same.

SEC. 12. That John McCullum, of the county of Montgomery, be appointed a commissioner to extend the road from Terre Haute to Crawfordsville, from the latter place to intersect the Michigan state road, in or near the direction to Fort Wayne; and that the sum of five hundred dollars be appropriated thereon.

SEC. 13. That the sum of seven hundred and fifty dollars, be appropriated on the state road from Shelbyville

in Shelby county, to Andersontown in Madison county, by Greenfield and the Falls of Fall creek; and that Meredith Gosney, of Hancock county, be appointed a commissioner on the same. The said road to be continued from Andersontown, to intersect the state road from Indianapolis to Fort Wayne.

SEC. 14. That the sum of fifty dollars be appropriated on the state road from Indianapolis to Fort Wayne; and that William Caswell of Allen county, be appointed a commissioner thereon.

SEC. 15. That William McCreery, of Carroll county, be appointed commissioner to locate and open a state road from Lafayette, via Delphi and Logansport to Fort Wayne; and that the sum of fifteen hundred dollars be hereby appropriated on the same.

SEC. 16. That the sum of three hundred dollars be appropriated on the state road from Crawfordsville, by Crook's mill and Perrysville, to the line dividing the states of Indiana and Illinois, to be laid out by the commissioner thereon.

SEC. 17. The several commissioners, to whom any trust is committed, as above, in this act, shall enter into, and file in the clerk's office of their respective county, a bond to be approved by such clerk, with sufficient security therein, in the penalty of double the amount appropriated to the road under their control; conditioned for the faithful discharge of their duty; and shall also be by such clerk duly qualified; and thereupon they shall respectively proceed on the first Monday in April next, or at some subsequent day, well and truly to execute the duties required of them by this act.

SEC. 18. The said commissioners, after qualifying and giving bond, shall, if their respective road has not been located, forthwith proceed, with such surveyor and hands as may be necessary, to locate and distinctly mark the said road committed to them, in the nearest and best direction, having express regard to the quality and situation of the ground; a plat of which location, they shall file in the clerk's office of each county through which the same shall pass, so far as it runs through such county.

SEC. 19. That where the road committed, to any of the commissioners aforesaid, appointed or referred to in this act, shall have been heretofore located, or where funds may remain after locating any road under this act, the respective commissioners shall without delay, lay off their respective road, from the point of commencement to its termination, in districts not exceeding ten miles in length, and shall immediately advertise in three public places in each county, through which the road runs; and thirty days thereafter, they shall proceed to let out to the

lowest bidder, by written proposals, the improvement and work, which they shall determine upon, having regard to the quality and situation of the ground, the necessity of relative labour on the road, and giving proper increase of expenditure to such parts, as, on account of the sparseness of the inhabitants in its vicinity, cannot be equally improved by county labour; and they shall complete a contract with such lowest bidder, who shall give bond to them with sufficient security: *Provided, always,* That the commissioners, contracting as aforesaid, shall not require any of the aforesaid roads to be opened exceeding forty feet in width.

Agent of 3
per cent. fund
and his duty.

SEC. 20. That the agent of the three per cent. fund, shall, so soon as he shall receive a certificate from the proper clerk of the circuit court, that any commissioner named in this act, or referred to, has given bond and been qualified, pay to the order of such commissioner the amount of the appropriation by this act made to such respective road, out of the three per cent. fund, in proportion according to the amount of each appropriation, as the said fund may accrue to this state and be received by him, after the appropriations made out of said fund, by former laws, are paid and satisfied.

Commissioners' further
duties.

SEC. 21. That the said commissioners shall be, and they are hereby authorized, upon receiving an approved bond from any contractor, to pay him, or them, one third of the amount for which his or their job is undertaken, and the residue thereof, in proportion as the work may progress, until its completion; and for any failure on the part of any contractor to comply with his undertaking, the said commissioners, respectively, shall forthwith institute a suit against such contractor, and his securities on their bond, and proceed to have such work otherwise completed, under the best public or private contract to be procured.

Suit vs. contractor.

Report to
agent.

SEC. 22. Each commissioner shall make a detailed report to the agent of the three per cent. fund, on or before the first Monday in December annually, until their funds are expended and reported, setting forth the particulars of the expenditures by them made, with accompanying vouchers; a transcript of which shall be by such agent transmitted to each house of the general assembly, on or before the second Monday of December, in such year, as to amount, without the items of expenditure.

Agent to re-
port.

Compensation.

SEC. 23. That the commissioners aforesaid shall each receive per diem, for each day they may be necessarily employed in the discharge of their duties, one dollar and no more.

Vacancies.

SEC. 24. That if any vacancy occur in the office of either of such commissioner, by refusal to serve or other-

wise, the same shall be filled by the board doing county business, in the county where such commissioner resides.

SEC. 25. That the contractors of any part of the several roads named in this act, be and they are hereby authorized to take gravel, stone, or timber from any lands next adjoining said road, which may be necessary thereon, with as little damage however to such lands as possible.

Materials for
road.

SEC. 26. That each road named in this act, shall be, and the same is hereby declared, from the date of filing the plat of its location in the proper clerk's office, a public highway; and it shall be the duty of the boards doing county business in each county, to cause the respective parts, running through such county, to be worked on and improved, by the proper supervisors, as county roads are; and the same penalties, shall accrue against all persons obstructing the same, or any supervisor for neglecting to cause the appropriate labour to be bestowed thereon, as is provided as to county roads.

Roads to be
public high-
ways.

CHAPTER LXXIV.

AN act supplemental to an act, entitled, "an act providing for the location, opening and improvement of certain state roads," passed at the present session of the general assembly, and for other purposes.

[APPROVED, JANUARY 29, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That after the expenses of locating the extensions, provided for in the seventh and twelfth sections of the act to which this is a supplement, of the Indianapolis and Crawfordsville, and the Terre Haute and Crawfordsville, state roads, are defrayed, the residue of the appropriation by said act thereon, shall be applied to the improvement of the whole of said roads, from their original to their final points, under the regulations for other roads stipulated in said act.

Appropriation
explained.

SEC. 2. That the commissioners of all state roads hereafter located, towards which any part of the three per cent. fund has been or may be appropriated, shall on or before the first Monday in December next, succeeding such location, transmit to the agent of the three per cent. fund, a plat of the survey thereof, noting the distance in each county, in addition to the plats to be filed in such county.

State road
commissioners
shall report to
agent.

SEC. 3. That any commissioner, who may hereafter expend any portion of the three per cent. fund, on any

Vouchers and bonds to be filed with agent,

Commissioner on road No. 22 to pay over No. 37.

Discretion given agent in settlements with commissioners.

Settlements further explained.

Suit against commissioners authorized.

Commissioners on Indianapolis and Crawfordsville S. road.

state road committed to him, shall preserve and file with the agent of said fund, the bonds and agreements entered into by contractors of work thereon, which shall be regarded by him as their proper vouchers on settlement.

SEC. 4. That the portion of the appropriation heretofore made, on the state road numbered twenty-two, which may remain in the hands, or subject to the order of the commissioner thereon, shall be by such commissioner, without delay, paid over to the commissioner appointed on road, numbered thirty-seven, whose receipt shall be a sufficient voucher for such payment.

SEC. 5. That in all cases, where the agent of the three per cent. fund, has failed to complete a settlement with any state road commissioner, on account of unauthorized charges being presented, he is hereby authorized to allow, on a final settlement being made, the following and no other charges, in addition to those allowed by law, to wit: five cents for every mile necessarily and actually traveled, by any commissioner, in going and returning to procure the money appropriated or to make a final settlement; and the reasonable expenses incurred by them, where such business was not done by them in person.

SEC. 6. That nothing in the act, authorizing the agent to make final settlements with the state road commissioners, shall be construed to prevent the said agent from closing a settlement with any commissioner or commissioners referred to in said act, and receiving from them, the balance of money in their hands unexpended, unless the same has been transferred to another road by law; and in every case where the commissioners, or any of them in the said act named or referred to, fail, on or before the first day of May next, to complete a final settlement with the said agent, agreeably to the provisions of said act and of this law, without further costs to the state, it shall be and is hereby made the duty of said agent, forthwith to commence a suit against such commissioner and his securities and prosecute the same to final effect.

SEC. 7. That Jordan Wright of Marion county, be, and he is hereby appointed commissioner, for all that part of the state road leading from Indianapolis to Crawfordsville, that lies between Indianapolis and the eastern line of Montgomery county; and, after giving bond as directed by law, shall be authorized to draw the proper amount of money, which may be proportionably due thereon, after defraying the expenses in extending the location of said road at the present session of the legislature.

SEC. 8. That Jacob Andrick of the county of Vermilion, be and he is hereby appointed commissioner of

state road, authorized to be located from Crawfordsville, via Crooks mills, Perrysville to the state line, in the direction of Fort Clark, by the sixth section of an act entitled "an act to establish a state road from Shelbyville by the way of Marion, in the county of Shelby, Greenfield in the county of Hancock to Andersontown in the county of Madison, and for other purposes," approved, January 23, 1829, who shall after giving bond and qualifying as is required of other commissioners, in the act to which this is a supplement, proceed to locate and open a road, the nearest and best way, from Crawfordsville to Perrysville; thence to the state line as aforesaid; and shall be governed in all respects as is required of other commissioners, in this act, and the act to which this is a supplement, and shall employ the necessary number of hands to locate the same, and pay all the expenses of locating and opening said road, out of the appropriations of the three per cent. fund heretofore made on said road.

SEC. 9. That Joseph Nicholas of Rushville, be, and he is hereby appointed commissioner on that part of the state road leading from Indianapolis to Brookville, as lies between Big Blue river and Rushville; and the agent of the three per cent. fund, is hereby authorized to pay over to said commissioner, three hundred dollars of the sum appropriated on that road, by an act to which this is a supplement.

SEC. 10. That Joseph Hill of Clinton county, be, appointed commissioner on so much of the state road leading from Lafayette to Indianapolis, as lies between Lafayette and Sugar creek; and that he shall be authorized to draw and expend a proportionate part of the money appropriated for opening said road, after giving bond and being duly qualified.

SEC. 11. That the points designated in the route of the state road, provided for in the eighth section of the act to which this is a supplement, be so amended as to add the words "thence to Economy" after the word Washington.

This act to take effect, and be in force, from and after its passage.

Com. on road from Crawfordsville to state line.

Duties.

Com. on road from Indianapolis to Brookville.

Com. on road from Lafayette to Indianapolis.

Amendment.

CHAPTER LXXV.

An act to establish a state road, from Martinsville, by way of Lyon's mill and Mooresville, leading north to the Michigan road.

[APPROVED, JANUARY 23, 1830.]

Commissioner and his duty. SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Francis McClelland of Marion county, be and he is hereby appointed a commissioner, to locate and open a state road from Martinsville, in the county of Morgan, by way of Lyon's mill and Mooresville, (and if said commissioner deems it expedient on) the county road leading from the north east corner of Morgan, thence, up Eagle creek, by way of Miller's mill, to where said county road intersects the Michigan road.

Compensation. SEC. 2. That the said commissioner, shall be allowed, the sum of one dollar per day for his services, to be paid by the respective counties, through which said road may run; and all other expenses incurred in pursuance of this act, shall be paid out of the respective county treasuries through which said road may pass, the boards of commissioners thereof, consenting thereto.

This act to be in force from and after its passage.

CHAPTER LXXVI.

An act supplemental to an act, entitled, "an act to establish a state road from Levenworth by way of Bono to Indianapolis."

[APPROVED, DECEMBER 23, 1829.]

Commissioners. SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That John Newland, David Green, and Lewis Roberts, be, and they are hereby appointed commissioners, to relocate that part of the state road, leading from Levenworth, by way of Bono, and thence to Indianapolis, which lies between Leesville in Lawrence county, and David Biles' in the same county.

Notice. SEC. 2. The said commissioners, or a majority of them, shall meet in the town of Leesville, on the first Monday of February next, or on such subsequent day as they may agree upon, and after being sworn faithfully to discharge the duties assigned them by this act, shall proceed to review, mark and lay out the road between the points herein before mentioned, on the nearest and best way; and shall in all respects be governed by the provisions of the act to which this is supplemental.

This act shall take effect and be in force from and after its passage.

CHAPTER LXXVII.

An act supplementary to an act, entitled "an act providing for opening a state road in the county of Allen."

(APPROVED, JANUARY 11, 1830.)

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That James Barnett, the commissioner named in the act to which this is a supplement, be a commissioner to relocate so much of said road, as lies between the four mile creek below Fort Wayne, and the Ohio state line. Road how re-located.

SEC. 2. And the commissioner aforesaid, shall cause that part of the road so changed, to be recorded and opened in the same manner, as other parts of said state road were recorded and opened; and that part of the road so changed under the provisions of this act, shall be considered a part of said state road; and that part of the state road lying between the aforesaid four mile creek, and Ohio state line, shall be vacated, and all expense that may accrue in opening that part of said road so changed, shall be paid out of any money appropriated for opening said state road, that may be under the control of the commissioner of said road. Part vacated.

This act to be in force, from and after its passage.

CHAPTER LXXVIII.

An act to vacate a certain state road therein named and for other purposes.

[APPROVED, JANUARY 23, 1830.]

Be it enacted by the General Assembly of the state of Indiana, That so much of the state road, No. 5 leading from Boonville to Petersburg as was resurveyed by authority of an act of the general assembly, and which lies between Patoka and Petersburg, be, and the same is hereby vacated. And that the original location and survey of said state road, as it was first laid out by the commissioners thereof, be and the same is hereby established, with the exception as it now runs by Alexander's farm. Part vacated.

This act to be in force from and after its passage.

CHAPTER LXXIX.

An act to establish a state road from Middletown in Shelby county via Moscow in Rush county, to intersect the Brookville state road, at or near Erasmus Aldridges.

[APPROVED, JANUARY 13, 1830.]

Commissioner *SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That Caleb Keeler of Rush county, be, and he is hereby appointed commissioner to view, mark and locate a state road from Middletown in Shelby county, by the way of Moscow in Rush county, thence crossing Flat rock, and bearing a north eastern direction, until it intersects the Brookville state road, at, or near the farm of Erasmus Aldridge in the county of Rush.*

Commissioners duty. *SEC. 2. The commissioner shall meet in the town of Middletown, on the first Monday in April next, and after having taken an oath faithfully and impartially to discharge the duties assigned him by this act, shall proceed to view, mark and locate the road as aforesaid, and shall within thirty days after the location of the same, file a report of his proceedings in the clerk's offices in the several counties, through which the same may pass, which report shall be recorded by the clerks of said counties in the record book of the boards doing county business in said counties, within twenty days after the filing of the same.*

County board *SEC. 3. It shall be the duty of the boards doing county business in the counties through which the same may pass, at their first meeting after the location of the same, to cause said road to be opened any width not exceeding forty feet, and made agreeably to, and under the provisions of the several acts for opening and repairing public roads and highways.*

Further powers. *SEC. 4. The commissioner aforesaid, is hereby authorized and empowered, to collect all monies that may be subscribed for opening and repairing the same; and shall proceed to expend the same on said road, in such manner as he may deem expedient.*

Compensation. *SEC. 5. The commissioner aforesaid, shall be allowed the sum of one dollar per day, for every day he may necessarily be employed in locating the same, to be paid out of the monies subscribed as aforesaid.*

This act to be in force from and after its passage.

CHAPTER LXXX.

An act to relocate a part of the state road leading from Rockport to Bloomington.

[APPROVED, JANUARY 29, 1830.]

Commissioner *SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That Michael Buskirk of Monroe county, be and he is hereby appointed commissioner, to relocate and mark that part of the road from the centre of section fourteen, in town six, north of range two west, in Lawrence county, to David Conners' in Monroe county, in section twenty-three, town seven, range two west.*

Commissioner's duties. *SEC. 2. The said commissioner, after taking an oath, faithfully and impartially to discharge the duties enjoined on him by law, shall, on the first Monday of March next, or so soon thereafter as may be convenient, proceed to view and mark said road, on the best ground and most convenient route that can be had; and shall within thirty days thereafter, cause a report thereof to be filed in the clerk's office of the respective counties; which reports shall be recorded in the record book of the proper persons doing county business in the said counties, within ten days after filing the same.*

County board *SEC. 3. It shall be the duty of the persons doing county business in the aforesaid counties, at their first meeting after said report has been filed, to cause the same to be opened, agreeably to the provisions made by law, and allow said commissioner the sum of one dollar each per day, for every day he may be employed in relocating said road, and making report thereof, out of any monies in the treasuries of said counties, not otherwise appropriated, an equal portion out of each treasury respectively.*

Other comrs and their duties. *SEC. 4. That Rufus Brown and Thomas Cissall of Martin county, be, and they are hereby appointed commissioners, to view and mark a state road from Mount Pleasant, to intersect the Rockport and Bloomington state road, at such place as they may think most conducive to facilitate travel, in continuation of a change authorized, from Reeder's ferry to Mount Pleasant, by an act, approved, January 3, 1829, entitled "an act to change part of the state road from Rockport to Bloomington;" and said commissioners hereby appointed, shall be governed by the provisions of said act, and compensated accordingly; and the continuation of the road from Reeder's ferry as aforesaid, when viewed and marked by the commissioners as provided for, shall be opened to the same width and in like manner, as is provided for in the act above mentioned.*

This act to take effect and be in force from and after its passage.

CHAPTER LXXXI.

An act to relocate part of the state road leading from Vincennes to Spencer, in Owen county.

[APPROVED DECEMBER 30, 1829.]

Commission-
ers & duty.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That John Johnston and Joseph Hicks of Owen county, and John Sanders of Green county, be, and they are hereby appointed commissioners, to view, mark, and relocate that part of the state road leading from Vincennes to Spencer in Owen county, which lies between the mouth of Eel river and Spencer, beginning in section twenty-one, township eight, range five west, thence the nearest and best way to the town of Spencer, in Owen county.

Further duties

SEC. 2. The said commissioners, or any two of them, shall meet at the house of John Saunders in Green county, on the first Monday in May next, or any day thereafter that may be agreed upon by any two of them, and after taking an oath faithfully and impartially to discharge the duties enjoined on them by this act, shall proceed to view and mark said road; and shall within thirty days after the location thereof, cause a report of the same to be filed in each of the clerk's offices of the said counties, through which the same may pass; which report shall by the said clerks, within ten days thereafter, be recorded in the record books of the proceedings of the several boards doing county business, in the said counties of Owen and Green.

Reports.

County
board.

SEC. 3. It shall be the duty of [the] boards doing county business through which said road shall pass, at their first meeting after the location of said road, to cause the same to be opened any width not exceeding forty feet, and made agreeably to, and under the several acts that now are, or may hereafter be in force, relative to opening and repairing public roads and highways.

Vacancies.

SEC. 4. Should any vacancy happen, by death, resignation, or refusal to qualify of either of said commissioners appointed by this act, it shall be the duty of the board doing county business in which such commissioner resides or resided, to appoint some suitable person to fill such vacancy.

Compensa-
tion.

SEC. 5. The boards doing county business in the counties of Green and Owen, shall make such allowance to the commissioners for their services, as to them shall seem just and reasonable, to be paid out of the treasuries of the said counties, where said commissioners reside.

This act to be in force, from and after its publication.

CHAPTER LXXXII.

An act to amend an act, entitled "an act establishing a state road from Shelbyville to intersect the Madison state road in Jennings county," approved January 19, 1828.

[APPROVED, JANUARY 29, 1830.]

Be it enacted by the General Assembly of the state of Indiana, That so much of the third section of the act to which this is an amendment, as requires the board doing county business in Bartholomew county to cause said road to be opened through said county, be and the same is hereby repealed. Repeal.

This act to take effect and be in force from and after its passage.

CHAPTER LXXXIII.

An act to establish a state road therein named.

[APPROVED, JANUARY 28, 1830.]

Be it enacted by the General Assembly of the state of Indiana, That the county road, as now established, from Montezuma in Parke county, by way of James Osborn's to the line dividing the states of Indiana and Illinois, be, and the same is hereby declared and established a state road. Road estab-
lished.

This act to take effect and be in force, from and after its passage.

CHAPTER LXXXIV.

An act to establish a state road from Jeffersonville state road, on the west side of Silver creek, to the lower falls of the Drift-Wood fork of White river.

[APPROVED, JANUARY 30, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Jonathan Carter of Scott county, James Shields of Jackson county, John F. Randolph of Clark county, be, and they are hereby appointed commissioners to view and mark a state road, from the state road leading from Jeffersonville to Salem, and from six to eight miles from the former place, west of Silver creek, thence running a northerly course, on the best and most convenient ground, to meet in the direction of the Pine Lick, Commission-
ers and their
duties.

the state road leading from McDonald's ferry to Brownstown, thence following the latter road, to the north side of Muskakituck river, thence running to the ford at the lower falls of Drift Wood fork of White river.

When and
where to
meet.

Report.

County
boards.

Vacancy.

Compensa-
tion.

SEC. 2. The said commissioners, or any two of them, shall meet in the town of Charlestown, in the county of Clark, on the first Monday in June next, or on any day thereafter that may be agreed upon by any two of them, and after taking an oath, faithfully and impartially to discharge the duties enjoined on them by this act, shall proceed to view and mark said road, and shall within thirty days after the location thereof, cause a report of the same to be filed in each of the clerk's offices of the several counties through which the same may pass; which report shall, by the said clerks, within ten days thereafter, be recorded in the record book of the proceedings of the several boards doing county business respectively.

SEC. 3. It shall be the duty, of the courts doing county business, through which said road shall pass, if they deem it expedient, at their first meeting after the location of said road, to cause the same to be opened any width not exceeding forty-eight feet, and made agreeably to, and under the several acts that now are, or hereafter may be in force, relative to opening and repairing public roads and highways.

SEC. 4. Should any vacancy take place by death, resignation or refusal to qualify, of either of said commissioners appointed by this act, it shall be the duty of the courts doing county business, in which such commissioner resides or resided, to appoint some suitable person to fill such vacancy.

SEC. 5. That each of the commissioners aforesaid, shall be entitled to receive, one dollar and fifty cents, for every day by them necessarily employed in the discharge of the duties assigned them by this act, to be paid out of the treasuries of the counties through which said road shall pass.

This act to take effect and be in force, from and after its publication.

CHAPTER LXXXV.

An act to relocate a part of the state road leading from the Ohio line, by Abington and Waterloo, to Connersville.

[APPROVED DECEMBER 26, 1829.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Jonathan John of the county of Fayette, be, and he is hereby authorized to relocate that part of

the state road, which was authorized to be located by an act of the last general assembly, entitled "an act to locate a state road from the Ohio line, by Abington and Waterloo, to Connersville," approved January 23, 1829, which lies between Abington and that point, where it intersects the Fayette county line, in the direction to Waterloo; and to locate the same on the old county road, or as near as circumstances will admit.

SEC. 2. That the said commissioner, shall proceed, on the second Monday in April next, or on some subsequent day, to discharge the duty assigned him; and shall be governed in all respects in said relocation, by the act referred to in the first section of this act, except the expenses of relocation, which shall be paid out of the fifty dollars heretofore appropriated from the three per cent. fund to locate and open said road.

This act to take effect and be in force, from and after its publication.

CHAPTER LXXXVI.

An act establishing a state road therein named, and for other purposes.

[APPROVED, DECEMBER 23, 1829.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Archibald Campbell and John Johnson of Pike county, and William Hargrove of Gibson county, be, and they are hereby appointed commissioners, to lay off, and mark a state road, leading from the upper bridge on Patoca, near Mrs. Sovern's in Gibson county, to intersect the state road, leading from the mouth of White river, by Petersburg, at or near the plank bridge on Conger's creek in Pike county; and that they report their proceedings to the clerks' offices of Gibson and Pike counties.

SEC. 2. The balance of the three per cent. fund, now in the hands of Archibald Campbell, commissioner of said road leading from the mouth of White river by Petersburg, be and the same is hereby appropriated, to the opening and improving said road, hereby directed to be laid out: said fund to be applied and used, under the superintendence of said commissioners.

SEC. 3. Said commissioners, or a majority of them, shall meet at said bridge on Patoca, on the first day of April next, or as soon thereafter as they conveniently can, and proceed with diligence to the duties assigned them by this act.

This act to take effect and be in force, from and after its passage.

CHAPTER LXXXVII.

An act concerning the state road from Indianapolis to Crawfordsville

[APPROVED, JANUARY 4, 1830.]

Bridge.

Appropriation.

Proviso.

Agent.

Commissioners duties.

Report.

Proviso.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the commissioner of the state road from Indianapolis to Lafayette, be authorized to cause a permanent wooden bridge to be erected over Fall creek, where the Crawfordsville and Lafayette state roads cross the same; and for this purpose, the sum of three hundred dollars out of the three per cent. fund, be appropriated to that purpose: *Provided,* The board of justices of Marion county, shall co-operate with the state in the erection of said bridge, by appropriating an equal amount, or such further sum as may be necessary to complete the work, out of the surplus revenue of said county.

SEC. 2. The agent of the three per cent. fund, shall be authorized to pay over to said commissioner, the first mentioned appropriation, upon satisfactory evidence of the fulfilment of the proviso of the foregoing section.

SEC. 3. Under the direction of said board, it shall be the duty of the commissioner aforesaid, to form a proper plan for said bridge, and to contract for building the same with the lowest bidder, taking approved security; for which he shall receive sealed proposals at a certain time, of which he shall give notice in the public prints, making known the plan of the work, and the period within which it is to be completed. It shall also be his duty to make a report of his proceedings in the manner and within the time provided for in the case of road commissioners, to the agent of the three per cent. fund, and to the board of justices of said county: *Provided, however,* That the bridge mentioned in the first section of this act, after its completion, shall be considered as a free bridge.

CHAPTER LXXXVIII.

An act locating a state road from George Cline's in the county of Franklin, to the Lawrenceburgh state road on the west side of Flat Rock in Decatur county.

[APPROVED, JANUARY 11, 1830.]

Two commissioners.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Charles Martin of the county of Franklin, and Griffy Griffith and Adam Rankin of the county of Decatur, be, and they are hereby appointed commission-

ers, to view, mark, and lay out, a state road commencing at George Cline's on the Brookville state road, in the county of Franklin, thence a westwardly direction, to intersect a county road at the line of Decatur county, near the township line dividing townships eleven and twelve, thence westwardly upon said county road, or as near to it as may be found convenient, to the state road from Indianapolis to Lawrenceburgh, on the west side of Flat Rock, in said county of Decatur.

SEC. 2. The said commissioners, or any two of them, shall meet at George Cline's, in the said county of Franklin, on the first Monday in April next, or any subsequent day that may be agreed upon by them; and after taking an oath, faithfully and impartially, to discharge the duties assigned them by this act, shall proceed to view, locate, and mark said road; and shall within thirty days after the location thereof, cause a report to be filed in each of the counties through which it passes; which report shall be recorded by the clerks of said counties, in the record book of the boards doing county business, in said counties, within ten days after the filing of the same.

SEC. 3. It shall be the duty of the boards doing county business of their respective counties, at their first meeting after the location of said road, to cause the same to be opened any width not exceeding forty-eight feet, and made in conformity to, and under the provisions of the several acts that now are, or that hereafter may be in force, for opening and repairing public roads and highways.

SEC. 4. Should any vacancy happen, by death, resignation, or refusal to qualify, of either of the commissioners appointed by this act, it shall be the duty, of the board doing county business in the county where such commissioner or commissioners may reside, to appoint some suitable person to fill such vacancy.

SEC. 5. It shall be the duty of the boards doing county business, in the said counties of Franklin and Decatur, to allow to each of the said commissioners, one dollar per day, while necessarily employed in discharging the duties assigned them by this act; to be paid out of any monies in their county treasuries respectively, not otherwise appropriated.

SEC. 6. *Be it further enacted,* That, there be and hereby is appropriated, the sum of one hundred dollars out of the three per cent. fund, to be paid over to the commissioner who may live in the county of Franklin: which sum of one hundred dollars, shall be exclusively applied to opening and improving that part of said road, lying

within the bounds of Franklin county, authorized by this act.

This act to take effect and be in force from and after its passage.

CHAPTER LXXXIX.

An act to relocate that part of the state road, leading from Madison to Lawrenceburgh, which lies between the line dividing the counties of Jefferson and Ripley, and thence to the Cross Plains in Ripley county.

[APPROVED, JANUARY 19, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Henry B. Hukill of the county of Ripley, be, and he is hereby appointed commissioner to review, mark, and locate a state road, beginning at the point where the road leading from Madison in Jefferson county to Lawrenceburgh in Dearborn county, intersects the line dividing the counties of Jefferson and Ripley, thence to the Cross Plains in Ripley county.

SEC. 2. The said commissioner shall proceed on the first Monday in April next, or on some subsequent day after taking an oath, faithfully to discharge the duties enjoined upon him by this act, to review, mark and locate said road, to make all necessary surveys, taking with him a sufficient number of chain carriers and markers, for that purpose. And shall within thirty days after the location thereof, cause a report of the same to be filed in the clerk's office of Ripley county; which report, shall within ten days thereafter be recorded in the record book of the board doing county business.

SEC. 3. It shall be the duty of the board doing county business in the county of Ripley, at their first meeting after the location of said road to cause the same to be opened any width, not exceeding thirty three feet, and made agreeable to, and under the provisions of the several acts, that now are, or may hereafter be in force, for the opening and keeping in repair public roads and highways.

SEC. 4. Should a vacancy happen, by the death, resignation, or refusal to qualify, on the part of the commissioner appointed by this act, it shall be the duty of the board doing county business, in the county of Ripley, to appoint some suitable person to fill such vacancy.

SEC. 5. It is hereby made the duty of the board doing county business in the county of Ripley, to make such allowance to the commissioner aforesaid, as they may deem reasonable and right, for his services; to be paid out of any monies in the treasury of the county, not otherwise appropriated.

SEC. 6. That it shall be lawful for the board of commissioners of Jefferson county, if they deem it expedient, to appoint three disinterested commissioners, to review that part of said road in Jefferson county, which lies between Madison and Robert B. Mitchell's; and in case said commissioners are appointed, it shall be their duty after being duly qualified, to employ a surveyor, and proceed to review said road; and if they find that an advantageous change can be made by shortening the distance, or by placing it on better ground, either on a different route, or by improving the one already located, they shall have power to do so; and in case said commissioners shall think it advantageous to make any change, they shall have power to relocate the same; and in case a change shall be made, it shall be the duty of said commissioners, to take a release in writing from the owner or owners of the land where the road may be so located, and where there is not an established road; and they shall on or before the first day of July next, make a return to the clerk's office, of such relocation; and the road so changed and relocated, shall be a state road: *Provided, however,* That nothing herein contained, shall be so construed, as to affect in any way, the road now located and established, unless it be changed agreeably to the provisions of this act. The board of commissioners of Jefferson county, shall make such allowance to said commissioners and surveyor, out of the county treasury, as they may deem proper.

This act shall take effect and be in force, from and after its passage.

CHAPTER XC.

An act relative to the state road from Rushville in Rush county, to Lawrenceburgh in Dearborn county.

[APPROVED JANUARY 29, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Elias Poston of the county of Rush, be, and he is hereby appointed a commissioner on the road leading from Rushville to Lawrenceburgh; and that the agent of the three per cent. fund, is hereby directed to pay over to the said commissioner, all monies that may heretofore have been appropriated on said road.

SEC. 2. The commissioner aforesaid, shall be allowed the sum of one dollar per day, for each and every day he may necessarily be employed in the discharge of his duties as said commissioner, to be paid out of the monies heretofore appropriated; and shall expend all monies that may

come into his hands on said road, between John Hopkins' in Decatur county and John Simmons' in Ripley county.

This act to be in force from and after its passage.

CHAPTER XCI.

An act to locate a certain state road therein named, and for other purposes.

[APPROVED, JANUARY 19, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That William Dickey of the county of Fayette, be, and he is hereby authorized, to view, mark and locate a state road, from Rushville in the county of Rush, thence to Danville in Fayette county, thence to West Union in Fayette county, thence to intersect a state road leading from Fairfield in Franklin county, to a state road leading from Dunlapville to Oxford, at or near Dubois' mill in the county of Union, thence along said road from Fairfield to where the same intersects the said state road from Dunlapville to Oxford.

SEC. 2. That said commissioner shall proceed on the first Monday in April next, or on some subsequent day, after taking an oath faithfully to discharge the duties enjoined on him by this act, to view, mark and locate said road, and to make all necessary surveys, taking with him a sufficient number of chain carriers and markers, and a surveyor; and shall, within thirty days after the location thereof, cause a report of the same to be filed in each of the clerk's offices of the several counties, through which the same may pass; which report shall within ten days thereafter, be recorded in the record book of the several boards doing county business respectively.

SEC. 3. *And be it further enacted*, That the sum of one hundred dollars, be, and the same is hereby appropriated out of the three per cent. fund, to defray all necessary expenses in carrying into effect the provisions of this act; and the agent of the three per cent fund, shall pay over the money so appropriated, to the commissioner aforesaid, whose duty it shall be to apply the same to the locating and opening the said road, under the same rules and regulations, prescribed to other commissioners for opening other state roads.

SEC. 4. The commissioner aforesaid, shall be allowed the sum of one dollar and fifty cents per day, for each day he may be necessarily engaged in the performance of the duties required of him by this act.

This act to take effect, and be in force, from and after its publication.

Commissioner of Indiana, and his duty.

Further duties.

Report.

Appropriation.

Compensation.

CHAPTER XCII.

An act to establish a state road from Evansville to Anthony's ferry.

[APPROVED, JANUARY 25, 1830.]

Be it enacted by the General Assembly of the state of Indiana, That William Almstead, Isaac Knight and Barney Codey, be and they are hereby appointed commissioners, whose duty it shall be to meet at Evansville, at such time as they may agree on, on or before the first day of July next; and having been first duly sworn well and truly to discharge the duties enjoined on them by this act, shall appoint a surveyor and such other assistance as they may deem necessary, and proceed to mark out and locate a road from Evansville to Anthony's ferry aforesaid, on the best route they can obtain, and when so marked out, shall file a plat of said road together with the field notes thereof, in the office of the recorder of said county, to be by him recorded for the preservation of the same.

SEC. 2. When the said plat shall be so recorded, it shall be the duty of the board of justices of said county, as soon thereafter as convenient to cause the same to be cut out thirty feet wide, by the hands residing within the townships of Pigeon and Union, or such portion thereof as they may think proper.

SEC. 3. The commissioners, surveyors and such other persons as shall be employed by them, shall each receive such compensation for their services, as the board of justices of said county may deem reasonable and just, to be paid out of the county treasury of said county.

This act to be in force from and after the first day of May next.

CHAPTER XCIII.

An act to establish a certain state road therein named.

[APPROVED, JANUARY 30, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That James Rogers of Crawford county, and Thomas Chasm of Dubois county, be and they are hereby appointed commissioners, to view, mark and locate a state road, to commence at the town of Levenworth in Crawford county, thence the nearest and best way, in the direction of Washington in Daviess county, to intersect a state road from Troy, Perry county, to Washington in Daviess county; said commissioners shall meet in the

Commissioners & duties.

Report.

County board

Compensation.

Commissioners and their duties.

Report.

County board

Compensation

town of Levenworth, on the first Monday in May next, or on any other day they may agree on; when, after having taken an oath, faithfully to discharge the duties herein assigned them, they shall proceed to lay out said road, and measure the distance in each county in which the road may be situate; and within thirty days after, they shall return to the clerk of the board doing county business, in each county, the length of the road in each county, and as near as may be, the situation of the road in each county; and it shall be the duty of such clerks, to lay such returns before the next board which may meet to do county business in such county; and it shall be the duty of the board to have said returns recorded, and thence forward it shall be established a public highway. It shall further be the duty of such board, if they deem it expedient, to appoint supervisors, and order the road opened and made passable, and kept in good repair, under the laws establishing and keeping in repair county public roads and highways.

The board shall allow said commissioners a reasonable compensation, for the services performed by them under this act, which shall be paid out of the respective county treasuries, in proportion to the distance the road may run in each county.

CHAPTER XCIV.

An act providing for a state road from Noblesville to Logansport, and also from Indianapolis by Pendleton to Andersonstown.

[APPROVED, JANUARY 29, 1830.]

Commissioner

Commissioner

Duty of commissioners.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That David Osborn of the county of Hamilton be and he is hereby appointed a commissioner, to locate and open a state road from Noblesville in Hamilton county, to Logansport in Cass county.

SEC. 2. That Brazleton Nowland of Madison county, be appointed a commissioner, to locate and open a state road from Indianapolis, by Fall creek, to the town of Pendleton, and thence to Andersonstown in Madison county.

SEC. 3. That the said commissioners shall attend at the points of commencement of said roads respectively, on the first Monday in April, or any subsequent day and proceed in discharge of their duties. And the said road shall in every respect be laid out, improved, established, and every thing appertaining thereto be governed, by the provisions of a law passed at the present general assembly, entitled "an act providing for the location, opening

and improvement of certain state roads;" and the same duties are required of the said commissioners, and all other persons, relative to the roads above named in this act, as are enjoined in the above recited act, as to the roads therein named.

SEC. 4. That the boards doing county business, through which the several roads pass, shall allow said commissioners, at least one dollar per day for their services, in surveying, marking and locating said road, and such other reasonable charges, as they may deem reasonable.

SEC. 5. That Jesse Frazier, be and he is hereby appointed to locate a state road, commencing, on the National Road, two miles west of White river, thence on a county road which intersects the Crawfordsville state road fifty rods east of the range line between ranges two and three; thence north the nearest and best way to intersect the Lafayette state road, at or near Bush's run.

County board and compensation.

Commissioner and duty.

CHAPTER XCV.

An act to locate a state road from Troy in Perry county, to Washington in Daviess county.

[APPROVED, JANUARY 28, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That James Carnahan of Daviess county, Jared Bowling of Dubois county, and Thomas Pride of Pike county, be and they are hereby appointed commissioners, to locate and mark a state road from Troy in Perry county, to Washington in Daviess county, who, or a majority of them shall meet at Troy on the first Monday in May next, or any day thereafter that a majority of them may agree on, and after taking an oath faithfully and impartially to discharge the duties required of them by this act, the said commissioners or a majority of them so met, shall proceed to view, locate and mark said road, by the way of Miller's mill on Patoko and Casee's ferry on the east fork of White river, and within thirty days after having thus located and marked the same, they shall return a report thereof to the clerk's office of each county through which said road passes; stating, as near as may be, the whole length of said road, and the length of the part which lies in each particular county; and the aforesaid clerks shall, in the proper books of their respective counties, record said report or so much thereof, as relates to that part of said road, which lies in their respective counties.

SEC. 2. The board of justices of the several counties through which said road or any part thereof shall pass,

Commissioners and their duties.

Report.

County board

Compensation

Vacancy.

shall at their first, or some succeeding meeting, after said report shall be returned as aforesaid, cause said road to be opened any width not exceeding thirty feet, and to be kept in repair agreeably to the provisions of the several acts for opening and repairing public roads and highways, which now are, or may hereafter be in force; and the said board of justices shall allow to each commissioner for locating and marking said road through their respective counties, such compensation as they may deem reasonable and just, out of the respective county treasuries.

SEC. 3. Should any vacancy occur, by death, resignation or refusal to qualify, of either of the commissioners aforesaid, it shall be the duty of the board doing county business, in which such commissioner or commissioners reside to fill such vacancy.

CHAPTER XCVI.

An act making an appropriation for the improvement of the state road from Indianapolis to Madison.

[APPROVED, JANUARY 30, 1830.]

Appropriation

Agent to pay
to Sanders.Appropriation
on road from
Mt. Vernon
to Collins' ferry.
County board
of Posey.

Agents duty.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the sum of six hundred and fifty dollars, out of the three per cent. fund, be and the same is hereby appropriated to the improvement of the state road from Indianapolis to Madison; to be expended on that part of said road which lies between Indianapolis and Columbus, to be laid out under the direction of William Sanders, the present road commissioner on said road. That the agent of the three per cent. fund, be, and he is hereby authorised, to pay over said money to the said Sanders out of the fund aforesaid.

SEC. 2. That one hundred and twenty-five dollars out of the three per cent. fund, be appropriated to open and repair the state road from Mount Vernon in Posey county, to Collins' ferry on the Wabash, in the direction to Vandalia Illinois, and the board of justices of Posey county, are hereby authorised to appoint some fit person to draw and apply the same; who shall be governed in all respects as commissioners are on state roads. And the agent of the three per cent. fund, shall pay the aforesaid sum, to such commissioner out of any money in his hands not otherwise appropriated.

This act to be in force from and after its passage.

CHAPTER XCVII.

An act for the relief of Paul Castlebury, late commissioner on the state road leading from Freedonia to the mouth of the Wabash river.

(APPROVED, JANUARY 29, 1830.)

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the commissioner appointed by the act of the 23d January 1829, in the county of Vanderburgh, is hereby authorised and required to pay Paul Castlebury, the sum of one dollar and seventy-five cents per day, for seven days services, rendered in procuring subscriptions to build a bridge over Big Pigeon creek in said county, out of any monies that may come into his hands, for building the bridge aforesaid, by virtue of said subscription.

Compensa-
tion.

CHAPTER XCVIII.

An act for the relief of the securities of Samuel Postlewait, late collector of Dubois county.

[APPROVED, JANUARY 30, 1830.]

Be it enacted by the General Assembly of the state of Indiana, That the prosecuting attorney, for the fourth judicial circuit of the state of Indiana, be, and he is hereby authorised and required, to release and enter full satisfaction, of a certain judgment in favor of the state of Indiana, against Samuel Postlewait, Thomas Scott, and Samuel G. Smith obtained in the circuit court of Dubois county, when and so soon as they or either of them shall pay to said prosecutor the full amount of the principal sum, cost of suit and attorneys fees due the state, without taking into consideration the per centum and damage allowed by law.

Judgment
how satisfied

This act to take effect, and be in force, from and after its publication.

CHAPTER XCIX.

An act amendatory to an act, entitled, "an act authorizing the leasing of Royce's Lick, and Rock Lick reserves, in the county of Washington," approved January 7, 1828.

[APPROVED JANUARY 29, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Hugh D. Finley of Washington county, Superintendent.

T

be, and he is hereby appointed superintendent of section number fifteen, township two north, in range four east, commonly called by the name of Royce's Lick reserve, and also the saline reserve, commonly known by the name of Rock Lick reserve, in the county aforesaid. And the said Finley shall give bond, and be governed in all respects, by the provisions of this act, and the act to which this is an amendment, so far as said last recited act, is not repealed by the provisions of this act.

Duty.

Sec. 2. Said superintendent, shall have power, and he is hereby authorized to lease, by quarter sections, for the term of one year from and after the first day of March next, the reservations aforesaid, for the best price, that can be had in cash, which shall in no case be less than fifty cents per acre, to be paid annually, on the first day of March, in each year, after the conclusion of said contract, so made as aforesaid. And the superintendent is hereby authorized to have such repairs made to the buildings, and other improvements on said reserve as he, in his wisdom, may think proper for the comfort of said lessees. The superintendent aforesaid, shall give at least fifteen days notice, by putting up four or more advertisements, in the most public places in the neighborhood of said reserves, that he will on some day certain, in the month of March, offer to the highest bidder the use and occupancy of such portions of said reserves as he may determine to lease for the ensuing year; stating particularly, the conditions of such lease. It shall be the duty of said superintendent, to take of the lessee or lessees, bond and good security for the faithful performance of their contracts; which shall provide for the due payment of the rent, for the preventing of the waste of timber, making repairs, and for the peaceable surrender of the premises at the end of the term.

Notice.

Lessees bond.

Waste.

Reserve.

Sec. 3. That so much of the act, authorizing the leasing of Royce's and Rock lick reserves, in the county of Washington, as comes within the purview of this act, be and the same is hereby repealed.

This act to be in force from and after its passage.

CHAPTER C.

An act authorizing the leasing of Jackson's Lick in Monroe county.

[APPROVED, JANUARY 30, 1830.]

Superintendent.

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Joel Ferguson of the county of Monroe, be, and he is hereby appointed superintendent of the salt lick in said county, commonly known by the name of Jackson's lick.

Sec. 2. Said superintendent, shall have power, and he is hereby authorized, to lease, for the term of five years, at a price not less than one hundred dollars per annum, from and after the 15th day of August, 1830, the lick aforesaid, for the best price that can possibly be had in cash, to be paid annually, after the 15th day of August aforesaid; for which purpose, said superintendent shall give at least twenty days notice, by setting up at least ten advertisements in the most public places in said county of Monroe, that he will on some day certain, in the month of March next, or at some subsequent time, offer to the best bidder the use and occupancy of said lick, with the section of land reserved and properly attached to said lick, for the term of five years, stating particularly the conditions of such lease, and it is hereby made the duty of said superintendent, to take of the lessee, bond with good and sufficient security, for the faithful performance of the stipulations of the said contract, in the penalty of one thousand dollars, to him, the said superintendent, and his successors in office; which shall provide for the due payment of the rent, and such repairs as he in his wisdom may direct; also, for preventing the waste of timber, and other improvements, and for the peaceable surrender of the premises leased, at the end of the term; and all money arising from the rent of said lick, shall be paid over to the treasurer of state, taking his receipt therefor.

Duties.

Lease.

Notice.

Lessee's bond.

Rent how paid over.

Sec. 3. It shall be the duty of said superintendent or his successor in office, before entering on the discharge of the duties required of him by this act, to take an oath or affirmation, for the faithful performance of the same, and shall moreover give bond, with good freehold security, to be approved of by the clerk of the circuit court of the county of Monroe, in the sum of one thousand dollars, payable to the governor of the state of Indiana and his successors in office, conditioned for the faithful performance of the duties required of him by this act, and for the paying over all monies that may come into his hands as such superintendent, and for the safe delivery to his successor in office, of all bonds or other papers relative to said salt lick, which bond, shall be deposited in the clerk's office of said county, and said superintendent shall receive for his services, such compensation as shall from time to time be allowed to him by the general assembly.

Superintendent's oath and bond.

Compensation.

Sec. 4. That if the said superintendent shall resign, remove, die or refuse to qualify, as herein before required, it shall be lawful for the board doing county business in Monroe county, to appoint some suitable person to fill such vacancy, who shall in all things, be governed by the

provisions of this act, and shall take the same oath and give the like bond.

This act to be in force, from and after the first day of March next.

CHAPTER CI.

An act authorizing the leasing of the French Lick reserve in Orange county.

[APPROVED JANUARY 30, 1830.]

Superintendent appointed.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Samuel Cobb of Orange county, be, and he is hereby appointed superintendent of the French Lick reserved township, being in townships one and two, north of range two, west, of the Vincennes district, and in the county of Orange.

His bond

SEC. 2. The said superintendent, shall before entering on the duties of his said appointment, give bond to the state of Indiana, in the penalty of five hundred dollars, with security to be approved of by the clerk of the circuit court of the county aforesaid, conditioned for the faithful performance of his said trust, and for the paying over, all such monies as may come into his hands by virtue of his said appointment, agreeably to the provisions of this act, and any acts that may hereafter be passed in relation thereto.

Powers and duties.

SEC. 3. Said superintendent, shall have power and authority to lease said land, in such quantities as he may think proper, or may best enhance the interest of the state, for the term of one year from the tenth day of March, in each and every year, the reservation aforesaid, for the best price that can be had in cash, for the same; to be paid on the first day of January next, after the conclusion of the contract so made; for which purpose the said superintendent shall give notice, by putting up advertisements at three or more of the most public places in the neighborhood, for the space of ten days, that he will on some day certain, in the month of March, offer to the best bidder, the use and occupancy of such portions of said reserved lands, as he may determine to lease for the ensuing year, stating particularly the conditions of such lease; and it shall be the duty of said superintendent, to take of the lessee or lessees, bond with approved security, for the faithful performance of the stipulations of their respective contracts; which shall provide for the due payment of rents, for preventing the waste of timber, and for a peaceable surrender of the premises leased, at the end of the term.

Notice.

SEC. 4. It shall be the duty of the said superintendent, to pay over to the state treasurer, all monies received from such lessees, on the first Monday of December annually, taking the treasurer's receipt for the same. Monies how paid over.

SEC. 5. The said superintendent, is hereby authorized to call on his predecessor, for all monies, papers, books and obligations, pertaining to the said French Lick reserve, which may be in his hands; whose duty it shall be to deliver and pay over to the said Cobb, or his successors in office, all such papers, books and monies belonging to the same, under the penalty of five hundred dollars, taking his receipt for the same. To settle with predecessor.

SEC. 6. In case of the refusal of the said superintendent hereby appointed, to accept of the appointment, and give bond as prescribed by this act, or in case of the death, removal or resignation of the superintendent, or any successor to him, the board of justices of Orange county, at their next session thereafter, or any subsequent session, shall fill such vacancy by appointment; and the person so appointed shall be governed in all respects, as provided for in this act. Vacancy and how filled.

SEC. 7. In case of any failure, from any cause whatever, of the superintendent to make the leasing contracts aforesaid, at the time specified in this act, it shall be lawful for said superintendent, to make private contracts in relation thereto, at any time he may conceive the interest of the state may require the same; which contracts so made, shall in all other respects, be governed by the provisions in this act contained. Superintendent may make private leases.

SEC. 8. The board of justices of said county of Orange, shall annually make to such superintendent, such allowance for his services as they may deem reasonable; which allowance shall be certified by the clerk of said board, to the auditor of public accounts, who shall thereupon issue a warrant upon the state treasury for the payment of such allowance, which shall be paid out of any monies in the treasury arising from the leases aforesaid. All laws heretofore in force on the subject of said French Lick reserve, are hereby repealed. Compensation. Report.

This act to take effect and be in force, from and after its passage.

CHAPTER CII.

An act to amend an act, entitled "an act to authorize the sale of the school lands and for other purposes," approved, January 23, 1829.

[APPROVED, JANUARY 30, 1830.]

Trustees how
elected.

Power to
lease.

Other powers.

Treasurer's
duty.

Powers.

Further pow-
ers.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That in all cases where the inhabitants of any congressional township, shall refuse to sell under the provisions of this act, and that to which this is an amendment, any five of the freeholders of such township, may cause a meeting of the inhabitants, by notifying the same in writing, to be posted up in three of the most public places in their township, at least twenty days prior to the time of such meeting, (the meeting to be held on the reserved section or as near thereto as a convenient place can be had,) and hold an election in the same manner as is provided for the election of county and township officers, and elect three trustees, who shall hold their office three years, and until others are elected; and the trustees thus elected, shall appoint one of their own body treasurer, and shall have power to lease for any term of years, not exceeding ten, the reserved section in said township, upon such terms and conditions, and for the payment of such rents, either in cash, grain or improvements on the land, as they may think most advisable: They shall moreover have the superintendence of the said reserved section, and to prevent the commission of waste or damage to the land also to enforce the payment of all rents that may be due and owing; and compel and enforce the fulfilment of the conditions of all leases that may have been made, and to make a dividend of the rents collected, in equal proportions among the several schools in said township, agreeably to the number of scholars: It shall be the duty of the treasurer to receive the rents, and pay the same over agreeably to the order of the trustees; and to enable the trustees to carry into full effect the provisions of this act, the same powers are hereby extended to them, as are provided in the first section of the act to which this is an amendment.

SEC. 2. When the citizens of any congressional township, shall have offered their sixteenth section for sale, in conformity with the act to which this is an amendment, and have failed to sell for want of bidders, it shall be lawful for the trustees of the township, elected as required by the third section of the first recited act, to execute all the powers and privileges, to lease the land in the township, as is provided for in relation to trustees mentioned

in the first section of this act; and to demand and receive, all rents, monies or dues which may be in the hands of a previous trustee or trustees of such township.

SEC. 3. The several fees mentioned in the nineteenth section of the aforesaid act, shall be paid as follows, to wit: Fees by whom paid.
for an acknowledgment of transfer to a certificate of purchase; for certificate of purchase; for each entry of payment of interest or principal of purchase money; and for making deed to purchaser; shall be paid by the purchaser. The fees allowed for each mortgage, for selling mortgaged premises, and advertising the same; for entering satisfaction of record; for recording mortgage, together with the fees allowed by the act aforesaid to clerks of the circuit court, and trustees of townships, shall be paid by the borrower. And the several fees allowed to the school commissioner, for his services in selling the school lands, together with the expenses of advertising the time of such sales in the newspapers, shall be paid out of the county treasury, on the order of the board doing county business.

SEC. 4. No sale shall be made, of any school lands, unless a majority of all the qualified voters in the townships where the land lies, shall vote in favour of such sale. Restriction in selling.

SEC. 5. That in all cases where the commissioner has offered for sale, any school lands, under the provisions of the act to which this is an amendment, and the same have not been sold; the commissioner is hereby authorised and required, if application be made, to sell at private sale, to any person or persons applying therefor, at a sum not less than the minimum price fixed by the trustees of said section: *Provided however,* That if several persons shall apply to said commissioner at the same time, to purchase said land at such minimum price, he shall dispose of the same to the highest bidder. Private sale.

SEC. 6. *And be it further enacted,* That if any person shall forfeit any lands, sold by the provisions of the act to which this is an amendment, he shall be liable for any damages he may have committed by the unnecessary waste of timber or any other materials, to be recovered by the proper school commissioner, by an action of trespass before any court having competent jurisdiction. Forfeiture & waste

CHAPTER CHL

An act to amend the act entitled "an act Incorporating Congressional Townships and providing for Public Schools therein."

[APPROVED, JANUARY 30, 1830.]

Fund to be apportioned.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the clerk of the board of trustees of congressional township, in township nine, range two west, in which Brookville is situated, in the county of Franklin, shall without delay, ascertain the amount of the school fund of said township, during the years 1828 and 1829, and apportion the same, between the several school districts of said township, in which the twelfth and thirteenth sections of the act to which this is an amendment have not been complied with; giving to each of said districts a draft on the treasurer of said board, for the sum it would have been entitled to, had the provisions of said sections been complied with.

Treasurer's duty.

SEC. 2. The treasurer of said board of trustees, upon receiving said draft, shall pay the amount thereof to the person or persons in such school district entitled to receive the same.

This act to be in force from and after its passage.

CHAPTER CIV.

An act to legalize the proceedings of the School Commissioner of Madison county.

(APPROVED, JANUARY 29, 1830.)

Proceedings legalized.

Be it enacted by the General Assembly of the state of Indiana, That in all cases, where the school commissioner of Madison county may have sold any part of the school land in said county, by private contract, after having first given legal notice, and offered the same at public sale, and where the land has been sold for the minimum price, as fixed by the trustees, all such sales shall be considered as legal as if made at public sale.

This act to take effect and be in force from and after its passage.

CHAPTER CV.

An act legalizing the proceedings of the superintendent of a school section therein named.

[APPROVED, JANUARY 29, 1830.]

Be it enacted by the General Assembly of the state of Indiana, That all the acts and proceedings of Isaac R. Finch, superintendent of the 16th section, in township 19, range 8 east, in the county of Madison, be, and the same are hereby made as legal, and shall have the same force and effect, as if the said Isaac R. Finch had been duly sworn, before entering on the discharge of the duties of his office, as such superintendent as aforesaid. Acts legalized.

This act to be in force, from and after its passage.

CHAPTER CVI.

An act for the benefit of the inhabitants of a certain township in Gibson county.

[APPROVED, JANUARY 30, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That it shall be lawful for any number of the inhabitants in congressional township No. three, south of range No. twelve, west of [second] principal meridian, not less than twenty, to meet at the house of Jacob Padin's in such township, on the fifteenth day of March next, and annually thereafter on the fifteenth days of March; and when so met proceed to elect three trustees as superintendents of the sixteenth section in said township, who shall continue in office for one year, and until their successors are elected and sworn into office. Trustees to be elected.

SEC. 2. That said trustees when so elected and sworn into office shall be, and they are hereby constituted, a body politic and corporate, by the name and style of said congressional township, numbered as aforesaid; and as such, shall have full power and authority, to make by-laws for the government of said corporation, and the schools therein established by authority of the same; and to appoint all officers, and do and perform all other things necessary and proper to carry into effect the objects of the incorporation; and said board may rent or lease the whole or any part thereof for any term of time, not exceeding ten years, and apply the proceeds thereof to school purposes in said township. Said board are also empowered to receive donations, gifts and bequeaths of any lands, goods or chattles for the use of schools in said township. Incorporated. Style. Powers. Leases.

This act to take effect and be in force from and after its passage.

CHAPTER CVII.

An act for the incorporation of the Eugene Academy.

[APPROVED, DECEMBER 31, 1829.]

Trustees. SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Samuel Baldrige, John M. Coleman, James Groenendyke, William Clark, Josephus Collett, Stephen S. Collett, John R. Porter, Richard Taylor and Asaph Hill, be, and they are hereby constituted and appointed, a body corporate and politic, to be known by the name and style of the "Trustees of the Eugene Academy;" and by that name shall have perpetual succession, with permission to adopt a common seal, with such devices or inscriptions thereon, as they may think proper; and as a body corporate, are hereby authorized to carry the object and design of said institution into complete effect; to increase the number of trustees whenever it may be deemed necessary, to employ tutors and professors in said academy, and the same to discharge at pleasure; to establish a constitution, by-laws and regulations for the government of said academy, and the tutors, professors and students thereof, not incompatible with the constitution and laws of the United States, and of this state; and in their corporate name and capacity, may sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity.

Style and powers.

By-laws.

Elections. SEC. 2. An election for trustees, shall be held annually on the first Monday in October, by the subscribers to said institution, in proportion to their respective interests therein: *Provided, however*, That the trustees appointed by virtue of this act, shall be classed into three classes; the term of the members of the third class shall expire at the first election for trustees, holden by virtue of this act; the term of the second class at the second election, and the term of the first class, at the third election, and from that time forward the term of service of one third of the said trustees to expire annually; and the said trustees created or elected, under this act, shall severally hold their respective offices, until their successors are chosen and qualified.

Proviso.

May hold real estate. SEC. 3. The president and trustees for the time being, shall have power in their corporate capacity, to take to themselves and their successors, in their said corporate name, any estate, real or personal, by the gift, grant, bargain, sale or bequest of any person or persons whomsoever; and the same to bargain, sell, or otherwise dispose of, for the benefit of the said institution.

SEC. 4. The said trustees shall elect out of their own body, a president, vice president and secretary. It shall be the duty of the president to preside and keep order at each meeting of the board; and in case of his absence, the vice president shall preside and perform the duties of his station; and it shall be the duty of the secretary, faithfully to record all the proceedings of the board, in a book to be provided and kept for that purpose, and the said president, vice president and secretary, shall perform all such other duties, as shall be required of them by the by-laws and regulations of said corporation.

Officers and their duties.

SEC. 5. All elections to be held by virtue of this act, shall be by ballot, and the president for the time being shall be judge, and the secretary for the time being, shall be clerk, of said elections; and the said judge and clerk immediately after counting out the votes, shall publicly declare the person or persons duly elected, who may have the greatest number of votes. And it shall be the duty of the clerk to give to the person or persons so elected, a certificate of his or their election.

Elections how governed.

SEC. 6. In case of the death, removal or other disqualification of any of the trustees, of said academy, or of their successors, a majority of the remaining trustees, shall have power to fill said vacancy until the next annual election for trustees; and at any meeting of the board, five shall constitute a quorum to transact business.

Vacancy.

SEC. 7. The trustee first named in this act, or in case of his absence, death, or refusal to qualify, the next person named, shall give notice of a time, and designate a place, for the first meeting of the board, which shall be within sixty days after the promulgation of this act.

Notice.

SEC. 8. The president and trustees, together with all the officers concerned in the management of the Eugene academy, shall severally before entering upon the duties of their stations, take an oath or affirmation, faithfully and impartially to perform the duties of their several offices, for the good of said institution.

Oath.

CHAPTER CVIII.

An act to incorporate the Franklin county Seminary.

[APPROVED, JANUARY 22, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Thomas W. Coalscott, William McCleery, Augustus Jocelyn, James A. Lowes, Abraham Lee, David Mount, Joseph Meeks, William R. Morris, John Davis, John Wynn and William Sims, be and they are

Trustees.

hereby constituted and appointed, a body politic and corporate, to be known by the name of the president and trustees of the Franklin county seminary; and by that name shall have perpetual succession, with permission to adopt a common seal, with power to alter or change the same at pleasure; and as a body corporate, shall be authorized to carry the object and design of said institution into complete effect; to increase the number of trustees, whenever it may be deemed necessary, to employ or appoint tutors and professors in said seminary, and place the same under the direction and supervision of any body of learned men they may select; to establish a constitution, and by-laws and regulations, for the government of said seminary, the tutors, professors, and students thereof, not incompatible with the constitution and laws of this state, or the United States; and by the same style of the president and trustees of the Franklin county seminary, may sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity.

SEC. 2. All vacancies shall be filled by a majority of the remaining trustees, and the person or persons so appointed, shall be vested with the same power and authority, as if specially named in this act; and at any meeting of the board of trustees, seven shall constitute a quorum to do business.

SEC. 3. The president and trustees, elected and appointed according to this act, and their successors, shall have power in their corporate capacity, to receive by donation, bequest or devise, any lands, tenements or hereditaments, money, goods and chattles, which may be conveyed, devised or bequeathed to them, for the use and benefit of said seminary, and shall be required faithfully to apply the same.

SEC. 4. The persons named in the first section of this act, shall convene on the first Monday in May next, or as soon thereafter as they may agree upon, and proceed to elect from their own body, a president, secretary and treasurer, and they shall thereafter meet at their pleasure, or may be convened by the president or any two members.

This act to be in force from and after its passage.

CHAPTER CIX.

An act to incorporate the Jefferson county seminary society.

[APPROVED, JANUARY 11, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Victor King, John Sheets, William Robinson, Gamaliel Taylor, John McIntire, Milton Stapp, Howard Watts, John P. Paul and James F. D. Lanier and their successors in office, shall be, and hereby are constituted, a body corporate and politic, by the name and style of the "president and trustees of the Jefferson county seminary society;" and by the said corporate name, may sue and be sued, plead and be impleaded, in any court of law or equity in this state; and by that name, have perpetual succession; they shall in law be capable of purchasing, holding and conveying, any estate, either real or personal, for the use of said seminary; they shall also be empowered to receive subscriptions, gifts, grants, donations and bequests; which subscriptions, gifts, grants, donations and bequests, shall be appropriated to the sole use and benefit of said seminary, in such manner as the board of trustees shall deem most profitable or expedient.

SEC. 2. That said trustees, shall meet at the lower room in the masonic hall in the town of Madison, on the first Monday in April next, or on some day thereafter, that a majority of them may agree on, and elect of their own body, a president, secretary and treasurer, to continue in office during the pleasure of said trustees: And it shall be the duty of the treasurer thus elected before he enters upon the duties of his office, to execute a bond, payable to the board of commissioners of Jefferson county, in the penal sum of one thousand dollars, conditioned for the faithful performance of his trust, and that he will pay over on the order of said trustees, all money that may come to his hands as such treasurer, and shall also take an oath before some justice of the peace for the faithful performance of his trust.

SEC. 3. It shall be the duty of said trustees, to purchase a book, in which shall be made a record of all their proceedings; the proceedings of each meeting, shall be signed by the president and attested by the secretary: and no money shall be paid out, but upon the order of the trustees, to be entered of record as aforesaid; a certificate of which fact, signed by the secretary, shall be sufficient authority for the treasurer to pay over the amount to the person named in such certificate or his assignee.

By-laws.

SEC. 4. The board of trustees, or a majority of them, shall have full power from time to time, to make such by laws, ordinances and regulations, not inconsistent with the laws of this state, or of the United States, as to them shall appear necessary for the good government of said seminary, and the students thereof; and the same to put in execution, revoke, alter, or make anew, as to them may seem necessary; and for the purpose of purchasing a suitable site in the town of Madison, and erecting thereon a good, convenient and suitable building or buildings, for the use and benefit of said seminary, and keeping the same in good repair, and for providing whatever to them may be considered necessary and proper for such seminary. The said trustees shall meet when, and as often as they think necessary; and a majority of said board shall constitute a quorum for the transaction of business.

Buildings..

Settlement
with former
trustees.

SEC. 5. The board of trustees, shall be authorized to demand and receive of the present trustee of the seminary fund of said county, all money and notes belonging to the seminary fund in his hands; and the said board of trustees are hereby authorized, to make settlement with such trustee, or any former trustee, and on such settlement, if any thing be due said fund, in their said corporate name, to demand and sue therefor, if they think proper; the said money to be appropriated as contemplated by this act; but no contract made, or note given to, or by, the present trustee, shall be disannulled or made void, by the trustees aforesaid, but when such contract or note becomes due, the said board shall have power to collect the same by suit or otherwise; they shall also have power to demand and receive from the treasurer of state, an equal proportion of all money paid into his office, received from persons conscientiously scrupulous of bearing arms, to which the said county of Jefferson is entitled; and their receipts to him shall be a sufficient voucher for the same.

Portion of
conscientious
fines.Restrictions
as to building.

SEC. 6. That the said trustees, shall not proceed to expend said money, in the erection of a building for the use of said seminary, until a sufficient sum has been raised by donation, subscription or otherwise, in addition to the amount of said seminary fund, to erect a good brick building for the use and benefit of said seminary, of such size and dimensions, as said trustees may think proper.

Fines &c how
paid over.

SEC. 7. That from and after the first day of April next, it shall be the duty of all officers collecting money for the use and benefit of said fund, to pay the same over to the treasurer of said board, whose receipt shall be a sufficient

voucher for the same; and on failure of such officer to pay the same over; the said board shall have the right of suing therefor in their said corporate name: And it shall be the duty of the said treasurer to keep a just and true account of such money by him received, in a book to be by him kept for that purpose; and said treasurer shall receive for his services such reasonable compensation, as the board of trustees may think proper to allow him.

Accounts.

SEC. 8. Whenever a vacancy shall happen, by death, removal or otherwise, in the office of either of said trustees, it shall be the duty of the board doing county business for Jefferson county, to appoint a suitable person to fill such vacancy.

Vacancy.

SEC. 9. It shall be the duty of the trustees aforesaid, to make a detailed report of the disbursement of such funds as may come into their hands, annually to the board doing county business for said county; which report shall be recorded on their records, and all bonds taken in pursuance of this act, shall be prosecuted for the benefit of the county seminary of Jefferson county.

Report.

SEC. 10. That when the seminary fund shall accumulate sufficiently for the purpose, after erecting sufficient buildings and furnishing the same, the said trustees may, if they think it necessary, appropriate such fund to the payment of teachers and necessary assistance, so as to reduce the price of tuition; and if practicable make the same a free school.

Further powers.

This act to take effect and be in force, from and after its passage.

CHAPTER CX.

An act to amend the act, entitled "an act to provide for the incorporating a county Seminary in the county of Clark, approved, January 26, 1827."

[APPROVED, DECEMBER 25, 1829.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the board of trustees of the Clark county seminary, shall consist of five members, who shall be appointed and qualified in the manner prescribed by the act to which this is an amendment; and when so appointed and qualified, shall be a body politic and corporate, vested with all the powers, and subject to all the duties, provisions and restrictions, prescribed in said act.

Trustees.

Powers.

SEC. 2. The said board of trustees, shall appoint a clerk and treasurer to their board, who shall severally, Officers,

Treasurer's
duty.

Clerk's duty.

Teachers.

before entering upon the duties of their offices, take an oath, or affirmation, before some justice of the peace of said county, faithfully and impartially to discharge the duties of their respective offices; and the treasurer shall give bond with good security, to be approved by said board of trustees, and payable to said board, conditioned for the faithful discharge of the duties of his office, and the payment of all sums of money which may come into his hands by virtue of his said office, on the order of said board of trustees. And it shall be the duty of the clerk of said board, to keep a faithful record of all the proceedings of said board of trustees, in a book to be provided and kept for that purpose.

SEC. 3. It shall be the duty of said board of trustees, to employ one or more suitable person or persons, as teachers of said county seminary, for such salary or compensation as said board shall deem reasonable.

This act to take effect and be in force from and after its passage.

CHAPTER CXI.

An act concerning the Seminary site of Union county.

[APPROVED, JANUARY 29, 1830.]

Deed to be
made.

Former deed
annulled.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That James Leviston, executor of Amsey Ayers, deceased, be and he is hereby authorised, by and with the consent of the trustees of the Union county seminary, to execute a deed of conveyance to said seminary trustees and their successors in office, for a certain lot of land of eighteen rods square, whereon said seminary is now situate, agreeably to the true intent and meaning of the original donation and location of said seminary site, and according to the tenor and effect of a certain title bond thereupon executed by said Ayers.

SEC. 2. That when the said deed of conveyance shall have been so executed and accepted, by the said seminary trustees, that then and from thenceforth, the deed heretofore executed by the said Amsey Ayers, in his life time, for said seminary lot, together with the record thereof, be and the same is hereby disannulled, set aside, and held for naught.

This act to take effect and be in force from and after its passage.

CHAPTER CXII.

An act to incorporate the Greencastle Seminary Society.

(APPROVED JANUARY 18, 1830.)

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That John Cowgill, Alexander C. Stevenson, Enos Lowe, Lemon M. Knight and Isaac Ash, shall be, and hereby are constituted a body corporate and politic, by the name and style of "The President and Trustees of the Greencastle Seminary Society;" and in their corporate name and capacity, may sue and be sued, plead and be impleaded, in any court of competent jurisdiction; and by that name shall have perpetual succession.

SEC. 2. The trustees shall be elected annually, on the first Monday in September, by the subscribers to said society, under such regulations, as a majority of them shall from time to time adopt; and shall elect a president, secretary and treasurer, from their own members. The said president and trustees, shall be competent, in law and equity to take to themselves, and their successors, in their corporate name, any estate, real or personal, by the gift, grant, bargain, sale or bequest, of any person or persons whomsoever; and the same estate, whether real or personal, to grant, bargain, sell or convey, or otherwise dispose of, as shall by them be deemed most beneficial to the interest and prosperity of said seminary: *Provided*, That said seminary society, shall not hold to exceed ten acres of ground at any one time.

SEC. 3. The said trustees shall cause to be made, for their own use, a common seal, the same to alter at pleasure, with such devices and inscription thereon, as they may think proper; by which all deeds and acts of the corporation shall be authenticated.

SEC. 4. The said trustees shall meet at the court house in the town of Greencastle in the county of Putnam, on the first Monday in February next, or at such other time and place, as a majority of said trustees may agree upon; and after severally taking an oath, or affirmation, faithfully to discharge the duties by this act enjoined, proceed to elect their president, secretary and treasurer, as aforesaid.

SEC. 5. The trustees, after being organized in manner aforesaid, shall have power to determine the time of their further meetings, and the manner of notifying the same; to act on their own adjournments; to employ such instructors, as they may think proper, and the same to discharge at pleasure; to direct the mode of instruction; and to

make and ordain such by-laws and regulations, as may be necessary for the well being of said society, not repugnant to the laws and constitution of this state.

Records.

SEC. 6. The trustees shall cause a record of their proceedings to be kept in a book to be provided by them for that purpose; which record shall be open for the inspection of all persons concerned. The treasurer shall receive all monies belonging to said seminary society, and pay the same out, on the order of the trustees, and not otherwise.

Shares transferable.

SEC. 7. The interest, or shares, in the said seminary, shall be transferable, under such rules and regulations, as the trustees may prescribe.

Authentications.

SEC. 8. All orders, or instruments of writing, purporting to be the official acts of said trustees, shall be signed by their president, under the seal of said corporation, and attested by their secretary.

This act shall take effect and be in force, from and after its passage.

CHAPTER CXIII.

An act to incorporate the Crawfordsville Seminary.

[APPROVED, JANUARY 4, 1830.]

Preamble.

WHEREAS, it has been represented to this general assembly, that sundry persons of Crawfordsville and its vicinity, have associated themselves together, for the purpose of establishing a seminary of learning, and have contracted for the purchase of a parcel of ground, and have erected a house suitable for a public school on the same; and that to secure a title to the said lot or parcel of ground, and for the more perfect organization and management of said school, it is desirable to obtain an act of incorporation; therefore,

Trustees.

Style.

Powers.

Seal.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Nathaniel A. Dunn, Isaac C. Elston, William Nicholson, John McCullough and Jonathan W. Powers, and their successors in office, shall be, and they are hereby created a body corporate and politic, by the name and style of "The Board of Trustees for the Crawfordsville Seminary of Learning;" and by the same name, shall be able and capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any court of justice; to make and use a common seal, and the same to alter again at pleasure, and also by the same name and style, shall in law, be capable of purchasing, holding, leasing and conveying, any estate, real or personal, for the use of the said corporation,

so that the said corporation shall not at any one time hold or possess more than ten acres of land.

SEC. 2. That the subscribers to the said seminary in the town of Crawfordsville, in the county of Montgomery in this state, are hereby authorized and empowered, to assemble themselves at the house erected for the use of said school, or at such other place in the said town of Crawfordsville, as may be most convenient, on the first Monday in April next, and on the first Monday of April annually thereafter, and when so assembled to elect five trustees to serve for one year.

SEC. 3. That the trustees or a majority of them, shall have full power from time to time, to make such by-laws and regulations in writing, not inconsistent with this charter, the laws of the state or the United States, as to them shall appear necessary for the good government of the said seminary, and the students thereof.

SEC. 4. That the places of any of the trustees, who shall die, resign or remove, or refuse to act, shall be supplied for the remainder of the year, by appointment, made by the board of trustees.

SEC. 5. That should no stated annual meeting of the subscribers be had, the officers then acting, shall continue their functions until the next annual meeting.

SEC. 6. The trustees shall cause a record of their proceedings, to be kept in a book to be provided for that purpose; which record shall be open for the inspection of all persons concerned.

SEC. 7. The interest or shares in the said seminary, shall be transferable under such rules and regulations as may be prescribed by the board of trustees.

This act to be in force, and take effect, from and after its passage.

CHAPTER CXIV.

An act to Incorporate the Rising Sun Seminary Society.

[APPROVED, DECEMBER 30, 1829.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Pinkney James, Matthias Haines, Abel C. Pepper, James Jones, Samuel Jelley, William Lanius, Basil James and their associates, shall be and hereby are constituted a body corporate and politic, by the name and style of the president and trustees of the Rising Sun seminary society; and by the name of their incorporation, may sue and be sued, plead and be impleaded, in any court

of competent jurisdiction, and by that name, have perpetual succession.

Elections.

SEC. 2. The members of said seminary society, shall meet at the dwelling of Samuel S. Scott, or at some other convenient place, in the town of Rising Sun in Dearborn county, on the first Monday of April next, and annually on the first Monday of April in each any every year thereafter, and elect from among the members of the society, seven trustees, one of whom shall be their president, one treasurer and one secretary; and shall severally hold their offices for one year, and until their successors shall be duly elected; a majority of whom shall be a quorum to transact business.

Corporate powers.

SEC. 3. The president and trustees, shall be competent in law and equity, to take to themselves and their successors in office, in the name of their incorporation, for the use of said seminary society, any estate, real or personal, by the gift, grant, bargain, sale or bequest of any person or persons whomsoever; and the same estate whether real or personal, to bargain, sell or convey, or otherwise dispose of, as shall by them be deemed most beneficial to the best interests and prosperity of the society; they shall have power to make and ordain such rules, regulations and by-laws, not inconsistent with the constitution and laws of this state, or the United States, as they may deem necessary for the good order, interest and government of the said society, and the same to amend and alter at pleasure; to employ teachers, and regulate the course of instruction, and such teachers to remove and dismiss whenever they shall deem it necessary. They shall have power to meet as often as they may think proper, and to sit on their own adjournments; to determine the time and place of holding the meeting of the society; the qualification of voters, and mode and manner in which such votes shall be received: *Provided however*, That the society shall have power at any regular meeting, to alter, amend or repeal any by-law so made as aforesaid, or to remove any teacher or teachers.

By-laws.

Teachers.

Proviso.

Seal.

Meetings.

SEC. 4. The trustees shall cause to be made, for their own use, one common seal, with such devices and inscriptions thereon, as they may think proper, and the same to alter at pleasure, by which all deeds and acts of the corporation shall be authenticated. They shall fill all vacancies which may happen in their own body, by death, resignation or otherwise.

SEC. 5. Any two members of the society may call a meeting thereof, by giving ten days notice of such meeting in writing, to be posted up in three of the most public places in said town of Rising Sun, at which meetings, any business relating to the society, may be transacted,

except the election of its officers: *Provided*, That in all the meetings of the society, a majority of all its members shall be necessary to constitute a quorum.

SEC. 6. The trustees shall cause a record to be kept of their proceedings, and those of the society, in a book to be procured for that purpose; which record shall be open for the inspection of all persons concerned. The treasurer shall receive all monies belonging to the society and pay them on the order of the president and trustees, and not otherwise.

Record.

Treasurer.

SEC. 7. The trustees shall have power to appoint such agents and attorneys for said corporation, as may be necessary, which shall be in writing, and all orders and appointments made by the trustees, shall be signed by the president under the seal of the corporation, and attested by their secretary.

Further powers.

This act to take effect and be in force, from and after the first day of March next.

CHAPTER CXV.

An act appointing Asher Labertew agent of the reserved township of land in Monroe county and for other purposes.

[APPROVED, JANUARY 29, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Asher Labertew of Monroe county, be and he is hereby appointed the successor of John W. Lee, as agent of the reserved township of land in said county.

Agent.

SEC. 2. It shall be the duty of the agent hereby appointed, before entering upon the discharge of the duties hereinafter assigned him, to take an oath or affirmation for the faithful performance of the same; and shall moreover enter into bond, with securities, to be approved of by the president of the board of trustees of the Indiana college, in double the sum which may likely come into his hands, from his settlement with the former agent of said township, payable to the treasurer of the Indiana college, and conditioned for the faithful accounting for, and paying to the treasurer aforesaid, all monies which he may receive from the former agent on account of his said agency, and also for the safe delivery to the president of the board of trustees, aforesaid, all bonds, notes or other papers which may come to his hands, relative to said township concern.

Agent.

Oath.

Bond.

SEC. 3. The agent hereby appointed, after being qualified as aforesaid, shall forthwith call upon John W. Lee, late agent as aforesaid, and demand of him all monies,

Settlement with former agent.

which he has heretofore received, or that may now be in his hands, arising from the leasing of lands in said reserved township, or for sales of rent corn, or from the sales of timber, or otherwise whilst acting as its agent, also all bonds, notes or other papers in his hands, which were given to him as agent aforesaid for money, or other valuable consideration whatever.

Credits to
Loc.

Sec. 4. In the settlement herein contemplated, the said Labertew, shall credit the said former agent, for the amount of all receipts held by him, from the late board of trustees of the state seminary of Indiana; and also for all allowances heretofore made by said board of trustees, to him, for services rendered as agent of said township.

Compensa-
tion.

Sec. 5. The trustees of the Indiana college shall make to the agent hereby appointed, for his services, such compensation as shall be just and reasonable.

This act shall take effect and be in force from and after its passage.

CHAPTER CXVI.

An act authorizing the sale of one of the reserved sections of land, in the reserved township of land in Monroe county.

[APPROVED, JANUARY 29, 1830.]

Sale authori-
zed.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the commissioner of the reserved township of land in Monroe county, be, and he is hereby authorized and required, to sell the reserved section of land in said township, which lies adjoining to, and immediately south, of the one heretofore sold, for the purpose of erecting the seminary buildings in said county.

Section to be
laid out in
lots.

Sale and
conditions.

Proviso.

SEC. 2. The said commissioner shall lay out said section, into such lots or parcels, as shall, in his opinion, ensure the greatest possible sum from the sales thereof, and shall at Bloomington, on the first Monday in May next, offer said lots for sale to the highest bidder, and on the following conditions, to wit: That one fourth part of the purchase money shall be paid in advance, and the remaining unpaid part, in five equal annual instalments, with interest from date, the purchaser giving bond with approved security, to said commissioner, for such payments: *Provided*, That said commissioner shall in no case, sell any of said section for a less price than five dollars per acre.

SEC. 3. The said commissioner shall give public notice, in the newspaper published at Bloomington, of the time

of the sale of said section, for four weeks previous to the sale thereof.

SEC. 4. The commissioner aforesaid, shall execute his bond to the several purchasers of the lands aforesaid, conditioned that he or his successor in office, will upon full payment being made, for any lands purchased as aforesaid, make to the purchaser thereof, his, her or their legal assignee or assignees, a deed in fee simple therefor, which deed of conveyance, the aforesaid commissioner and his successors, are hereby fully authorized and empowered to make.

Commission-
er's duty.

SEC. 5. It shall be the duty of said commissioner, on or before the first day of October next, to furnish the secretary of the board of trustees of the Indiana College, also the treasurer of state, with a full and correct statement of the amount arising from the sales of the section aforesaid; and the said secretary and treasurer, shall enter the same on record, the first in the records of the Indiana college, and the other in the record book by him kept, in relation to the sales of the reserved townships of land in Gibson and Monroe counties; and the treasurer aforesaid, shall moreover furnish the speaker of the house of representatives with said commissioner's report, or a copy thereof, during the second week of the next session of the general assembly.

Further duty.

Report.

SEC. 6. All monies arising from the sales hereby authorized, shall from time to time, as they may be received, or become due, be paid over to the treasurer of the Indiana college, and shall be paid out to the order of the board of trustees of said college, and be by them applied to the finishing of the college chapel, at this time erecting, and for procuring a philosophic apparatus and library for said college, and for other purposes.

Money how
appropriated.

SEC. 7. The board of trustees of the Indiana college, shall allow the commissioner aforesaid, such compensation for his services, as shall be deemed just and reasonable.

Commission-
er's compen-
sation.

This act to take effect and be in force, from and after its passage.

CHAPTER CXVII.

An act requiring the commissioners of the reserved townships of land in Gibson and Monroe counties to reduce the minimum prices thereof.

[APPROVED, JANUARY 18, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the commissioners of the reserved townships of land in Gibson and Monroe counties, be, and they are hereby authorized and required to offer for sale all the

Sale author-
ized & terms.

remaining unsold lands in their several townships at the following prices, to wit: All lands which have been classed as first rate, for the sum of two dollars and fifty cents per acre: all which have been classed as second rate, at one dollar and fifty cents per acre; and all which have been classed as third rate, at seventy-five cents per acre.

Sales how
governed.

SEC. 2. The sales which shall hereafter be made of the lands aforesaid, shall be in conformity with the provisions of the several acts now in force upon that subject, excepting so far as they may be contravened by the provisions of this act.

Compensa-
tion.

SEC. 3. The commissioners aforesaid, shall give public notice, in three of the newspapers published in this state, of the reduction of the minimum prices of the lands in their several townships.

This act shall take effect and be in force, from and after its passage.

CHAPTER CXVIII.

An act to vacate the South end of Second street, in the town of Washington, Daviess county.

[APPROVED DECEMBER 31, 1829.]

Vacation.

Be it enacted by the General Assembly of the state of Indiana, That so much of second street, in the town of Washington, Daviess county, as lies between lots number one hundred and twenty-eight, and one hundred and twenty-nine, south of South street in said town, be and the same is hereby vacated, and shall revert to the person or persons having the fee simple title thereto.

This act shall take effect and be in force, from and after its passage.

CHAPTER CXIX.

An act to legalize and establish the original survey, in the towns of Lafayette in Tippecanoe county, and Mount Vernon in the county of Posey.

[APPROVED, JANUARY 22, 1830.]

Survey estab-
lished.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the original survey of the town of Lafayette in the county of Tippecanoe, be, and the same is hereby established, as laid off by the chain of said survey, as the true and correct survey thereof; and that no lots, streets or alleys, laid off in said town, shall be altered or changed by any subsequent survey; but the same shall in

all things remain, as designated, fixed and marked, by the said original survey thereof; and it is hereby made the duty of the commissioners of the county of Tippecanoe, to have a correct plat made, agreeable to the original survey, designating the exact length and breadth of each lot, street and alley, and have the same recorded in the recorder's office, of said county.

County
board.

SEC. 2. *Be it further enacted,* That any plat or plats of said original survey of said town of Lafayette, heretofore made and recorded, shall be and the same is hereby declared to be null and of no force in law.

Former plat
annulled.

SEC. 3. And whereas the town of Mount Vernon in the county of Posey, when surveyed and laid off was measured with a chain of an improper length; therefore for remedy whereof, the inlots, streets and alleys of said town, as laid off and measured as aforesaid, be and the same are hereby legalized and declared permanent and unalterable; and the board of justices of said county of Posey, are hereby directed, forthwith to employ a skilful and efficient surveyor, and cause said streets, alleys and inlots, to be surveyed and measured with a true chain of a correct length, and thereby ascertain the true length, breadth and distances, of the said streets, alleys and inlots, and cause the same to be correctly platted, and laid down with the true distances, lengths and breadths, both by plats and field notes, with the true distances, lengths and breadths, to be truly recorded on the records of the recorder of said county.

Survey of Mt.
Vernon estab-
lished.

County board
of Posey coun-
ty shall or-
der a survey.

SEC. 4. The said board of justices of said county of Posey are hereby directed, to raise the funds necessary to defray the expenses of, so as aforesaid surveying, measuring, platting and recording said town, by levying a tax on the inlots thereof, agreeably to the respective valuation of the same, and cause said tax to be collected by the proper collectors, as other county taxes are collected.

Expense of
survey in
Posey.

This act to be in force, from and after its passage.

CHAPTER CXX.

An act to authorize the Circuit Court of the county of Vanderburgh, to change the Venue in a certain case therein named.

[APPROVED, JANUARY 9, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the circuit court of the county of Vanderburgh, be and they are hereby authorised, to change the venue in a certain case now pending in said court, wherein the state of Indiana is plaintiff, and David Ew-

Venue

Proviso.

ing is defendant, on an indictment for larceny, to the circuit court of the county of Posey in said state: *Provided*, Such change be applied for, by said Ewing, at the next March term of the Vanderburgh circuit court.

Jurisdiction to Posey Co.

SEC. 2. Said Posey circuit court, shall have the same jurisdiction to try said cause, as if said supposed offence had been committed by the said Ewing, in said county of Posey; and also full power and authority to summon and recognize witnesses, and do and perform all other things necessary and proper to try said cause.

Clerk's duty.

SEC. 3. The papers in said cause, shall be forwarded by the clerk of the county of Vanderburgh to the clerk of the county of Posey, (upon such change of venue being taken) in the same manner, and under the same rules and regulations, as is prescribed in an act, entitled "an act prescribing the mode of changing the venue," approved January 28, 1824.

This act to take effect and be in force from and after its passage.

CHAPTER CXXI.

A Joint Resolution relative to the three per cent. fund.

[APPROVED, JANUARY 9, 1830.]

Be it resolved by the General Assembly of the state of Indiana, That the agent of the three percent. fund, be, and he is hereby authorized and required, to pay over to Cornelius Berkshire, the amount that is, or may be due to him, as commissioner on that part of the road number eleven, as lies west of the line dividing the counties of Orange and Martin; the agent to make the estimate as follows, to wit: by adding the road provided for in the act, entitled "an act to establish a state road commencing at, or near Abraham Markle's in Martin county, and running thence through Mount Pleasant, thence to intersect the state road leading from New Albany to Vincennes at or near the farm of John C. Clark," approved January 23, 1829, to the road number eleven, the sum due on said road, to be paid to the commissioners John G. Clendenin and Cornelius Berkshire, in proportion to the length of the road in their respective districts.

This resolution to take effect from and after its passage.

CHAPTER CXXII.

A Joint Resolution relative to the agent of the three per cent. fund.

(APPROVED, JANUARY 25, 1830.)

Be it resolved by the General Assembly of the state of Indiana, That the agent of the three per cent. fund, be and he is hereby directed, to furnish each branch of the general assembly, at the commencement of the next session, with a full statement in detail, shewing the amount of the three per cent. fund, appropriated and expended in each county, to enable the legislature to adopt a more uniform and equitable system for the future disposition of the said fund.

CHAPTER CXXIII.

A Joint Resolution, providing for the erection of tomb stones over the grave of the late Daniel C. Lane, Esq. deceased.

(APPROVED, JANUARY 29, 1830.)

Resolved by the General Assembly of the state of Indiana, That the auditor of public accounts, be, and he is hereby authorized and instructed, to cause to be erected at the Indianapolis grave yard, suitable tomb stones at the grave of the late Daniel C. Lane, a senator from the county of Harrison, who died at his lodgings in this place, during the present session of the general assembly; and that said auditor cause the proper inscriptions to be engraved thereon, all of which to be done in a neat and workmanlike manner; and that the treasurer of state pay the amount of the cost of such erection, upon the certificate of the said auditor, out of any money in the treasury, not otherwise appropriated.

CHAPTER CXXIV.

A Joint Resolution authorizing the Auditor of public accounts to procure a list of relinquished lands from the land offices therein named.

(APPROVED, JANUARY 28, 1830.)

WHEREAS, upon examination of the report of the committee of ways and means, it appears that in most of the counties of this state, within the Cincinnati, Jeffersonville and Vincennes land districts, unusually large quantities of land have been returned to the office of

auditor of public accounts, not sold for want of purchasers, and as it is evident that these delinquencies are occasioned by the numerous forfeitures and relinquishments by former purchasers, to the United States, which forfeitures and relinquishments, under the existing laws, are not, nor can they be known to the different collectors, or to those who would purchase the lands for taxes; therefore—

Resolved by the General Assembly of the state of Indiana, That the auditor of public accounts, be authorized to procure, from each of the above named offices, upon the best terms he can, a statement of all the forfeited and relinquished lands within their respective land districts, and shall upon the receipt of the same, immediately make out and transmit to each and every county, situated within those land districts, a certified copy of the same.

Resolved further, That the sum necessary to procure said statements from the land offices, be paid out of the contingent fund, and that the auditor be allowed the like sum for copying and transmitting said statements, as paid to the different land offices.

CHAPTER CXXV.

A Joint Resolution, ratifying the compact, between the states of Ohio and Indiana, in pursuance of the act of Congress of the 24th of May, 1828.

[APPROVED, JANUARY 19, 1830.]

Be it resolved by the General Assembly of the state of Indiana, That the compact made and entered into, by Jeremiah Sullivan the commissioner on the part of the state of Indiana, and Wyllys Silliman the commissioner on the part of the state of Ohio, to adjust the terms upon which the lands granted to this state, by the act of congress of the 2d of March, 1827, shall be conveyed to the state of Ohio, be, and the same is hereby ratified: *Provided,* That the legislature of the state of Ohio, will agree, that the state of Ohio, shall commence and proceed in opening and constructing that part of the Wabash and Miami canal, which lies within her limits, *simultaneously* with the state of Indiana, or as nearly so as practicable, whenever the latter shall commence and proceed with opening that part of said canal which lies within her limits; of which commencement and progress, reasonable notice shall be given; or that the state of Ohio shall open that part of said canal, which lies within her limits, by the time that the part of said canal which lies within the limits of In-

diana shall be opened: *Provided also,* That so much of the third article of said compact in the following words, to wit: "But it is fully understood, and it is agreed, by and between the contracting parties aforesaid, that if the state of Ohio should fail, after having ratified this contract, to complete that part of said canal, which shall lie within the limits of said state, as aforesaid, within the time stipulated in this contract, then the said lands hereby agreed to, be conveyed to the state of Ohio, shall revert to the state of Indiana, and the state of Ohio shall release to the state of Indiana, all the right, title, and interest she shall have acquired therein, by virtue of this contract, or otherwise; and it is further agreed, and stipulated, by and between the contracting parties as aforesaid, that if the state of Ohio shall have sold, or otherwise disposed of said lands or any part of them, then in case of failure as aforesaid, the state of Ohio shall pay to the state of Indiana, the amount of monies for which said lands have been sold, and which shall in no case be less than one dollar and twenty-five cents per acre," be expunged therefrom, or never be construed to sanction any failure on the part of Ohio, to complete the part of the Wabash and Erie canal passing through her boundaries, as stipulated in the first and second articles thereof.

Resolved, That his excellency the Governor of Indiana, be requested to transmit to his excellency the Governor of Ohio, an authenticated copy of the above resolution, to be by him communicated to the legislature of that state.

CHAPTER CXXVI.

A Joint Resolution relative to the Indiana College.

[APPROVED, JANUARY 28, 1830.]

Be it resolved by the General Assembly of the state of Indiana, That the Rev. Robert R. Roberts, be, and he is hereby appointed one of the board of visitors of the Indiana college, to fill the vacancy in said board occasioned by the resignation of the Hon. Benjamin Parke.

JOINT RESOLUTIONS.

CHAPTER CXXVII.

A Joint Resolution to fill a vacancy in the Board of Visitors to the Indiana College.

[APPROVED, JANUARY 4, 1830.]

Be it resolved by the General Assembly of the state of Indiana, That James Armstrong of the county of Fountain, be and he is hereby appointed a member of the board of visitors of the Indiana college, instead of George Bush who has removed from this state.

CHAPTER CXXVIII.

A Joint Resolution concerning the Indiana College.

[APPROVED, JANUARY 25, 1830.]

Resolved, by the General Assembly of the state of Indiana, That the board of trustees of the Indiana college, do at their next annual meeting, and annually thereafter make out and transmit to each house of the general assembly, a detailed and general statement of the situation of said college; comprehending therein a description and cost of the college edifice, and the value and magnitude of the college library and philosophical apparatus; also, the number of professors and teachers therein, together with the salary and perquisites allowed to each, also the number of students in said college, their respective places of residence, and the rates of tuition fees established by the said board of trustees; and whether the tenth section of the act establishing said college has been strictly complied with; and generally all such information on the subject of said institution of learning, as the trustees may deem important to its interests, and the furtherance of education in this state.

CHAPTER CXXIX.

A Joint Resolution relative to the Western mail stage route from Louisville in Kentucky to St. Louis in Missouri.

[APPROVED, DECEMBER 25, 1829.]

WHEREAS, The western mail stage route, from Louisville Kentucky, via New Albany, Paoli, Mount Pleasant, Washington and Vincennes, through the state of Illinois, to St. Louis in Missouri, is of great importance to the citi-

zens of this state, and the union, and should receive the attention of the general government;

AND WHEREAS, There is a great quantity of third rate land in the counties through which this road runs, which can be of no advantage to the general government, lying in the oldest purchase in the state, and the best lands have long since been selected, and owing to the great emigration westward, the said road is almost rendered impassable;

AND WHEREAS, The general government has lately directed and authorized the mail to be conveyed in stages, from Louisville, to Vincennes, a distance of near one hundred and twenty miles, in one day and a half, which is considered as almost impossible, unless the general government should aid in the improvement of said road: Therefore,

Resolved by the General Assembly of the state of Indiana, That our senators in congress be instructed, and our representatives requested, to use their best exertions to procure the passage of a law, appropriating one section of land for each mile said road may run between the above mentioned points, to enable the state to raise funds for the purpose of constructing a clay turnpike road, with suitable bridges, on all that part of the road which passes through this state; the land to be selected in either of the counties through which the said road may run. Which road, when made, shall be kept in repair by the authority of this state; And to invite the cooperation of the members in congress from the states of Kentucky, Illinois and Missouri, to a similar grant, for the residue of the route.

Resolved, That his excellency the Governor, be requested to transmit a copy of the foregoing preamble and resolution, to each of our senators and representatives in congress.

CHAPTER CXXX.

A Joint Resolution relative to the establishment of a Medical College and for other purposes.

[APPROVED, JANUARY 19, 1830.]

WHEREAS, The study and practice of medicine is an important and useful branch of science and skill to the community: and as many of the diseases with which the human family are afflicted are calculated to yield to certain remedies, and as the nature of those diseases and remedies are only acquired by close and diligent study, and a complete understanding of medicine and its associate sciences;

AND WHEREAS, The establishment of a medical college in this state, with good professors, and provided with scientific apparatus, would afford an ample field for medical improvement, from whence may arise many blessings to our citizens, and afford a theatre upon which the physician may arrive at greater proficiency in his acquirements; and the state being destitute of the means to establish such an institution;

AND WHEREAS, Experience leads us to the conclusion, that universal education is the richest inheritance to be left to our posterity, and that enlarged exertions are requisite to bestow that gift on all classes of our community, poor as well as rich, confiding in the maxim generally allowed, that the foundations of our independence are only safely to be based in the intelligence, knowledge and morality of the rising generation; and believing that the truly republican equality, so desirable and essential to the well being of our government, can only be secured by eliciting the dormant talent and genius, hidden in the modesty and poverty of the humble. Therefore:

Be it resolved by the General Assembly of the state of Indiana, That our senators in congress be instructed, and our representatives requested to use their exertions to procure from the liberality of congress, a grant of two townships of land for the purpose of establishing a medical college within this state; and also two townships of land to be applied to the establishment of a free institution for affording to the poor and friendless orphans, and indigent children of our country, the attainment of science and literature.

Resolved, That the Governor be requested to transmit a copy of the foregoing preamble and joint resolution to each of our senators and representatives in congress.

CHAPTER CXXXI.

A Memorial and Joint Resolution of the General Assembly of the state of Indiana, on the subject of extinguishing the Indian title to lands within this state, and of removing the Indians beyond the Mississippi.

[APPROVED, JANUARY 29, 1830.]

To the honorable the Congress of the United States.

The memorial of the general assembly of the state of Indiana, respectfully represents, that two tribes of Indians, about two thousand in number, reside within the limits of this state, the means of subsisting by the chase being diminished, possessing neither the knowledge nor inclina-

tion to change their native customs, the total extinction of these people seems to be as rapid and inevitable as are the approaches and influence of civilization and improvement, upon the forests which they inhabit. To endeavour to avert from the Potawatamies and Miamies, the fate which has attended many of their kindred tribes, is a duty sanctioned by a regard for the national reputation, and by every humane and philanthropic consideration. As the best means of accomplishing so desirable a result, and of securing the happiness of the aboriginal race, your memorialists respectfully and earnestly urge the adoption of measures, to induce the Indians, within this state to abandon, from choice, those narrow forests, where they can now acquire but a precarious and scanty subsistence, and to emigrate to the country west of the Mississippi, which is so much better adapted to their wants and their habits. The benevolent and patriotic views and recommendations of the President of the United States, on this subject, of which they tender their cordial approbation, render it unnecessary for your memorialists to offer arguments in detail. As a preliminary measure to the removal of the Indians, your memorialists, also request that an appropriation may be made in order to extinguish their title to certain lands within this state; particularly their title to such lands as border on the line of the Wabash and Erie canal, their possession of which greatly impedes the progress of that important work, and arrests the settlement and improvement of the most interesting and desirable part of Indiana: *Resolved,* By the general assembly of the state of Indiana, that the governor, be requested to forward a copy of the foregoing memorial, to each of our senators and representatives in Congress, to be laid before that body, at its present session.

CHAPTER CXXXII.

A Joint Resolution to the Congress of the United States, requesting a corps of engineers, to examine and survey White river, the East and West forks thereof; and to examine, and if found practicable, survey a canal route to connect the Wabash and Erie canal with the Ohio river.

[APPROVED, JANUARY 29, 1830.]

WHEREAS, the improvement of the navigation of White river, and that of the East and West forks thereof, is extremely desirable in many national points of view, and an immense population of the centre of the state of Indiana, watered by these streams, absolutely require their

unobstructed use, to afford an outlet to the increasing population of a fertile soil of vast extent.

AND WHEREAS, the construction of a canal, to connect the Wabash and Erie canal with the Ohio river, at some central point of our state, east of the Wabash, would be of general utility, and hereafter advance the importance of that work greatly beyond all present calculations; and this state, anxious to prepare herself to benefit by increasing resources, is at this moment engaged in other undertakings to the extent of her means; consequently unprepared to command equal science with that she would otherwise avail of, now in the service of the United States; Therefore—

Resolved by the General Assembly of the state of Indiana, That our senators in the Congress of the United States be instructed and our representatives requested, to use every proper exertion, to procure at as early a period as possible, the services of a corps of engineers of the United States, to examine and survey the obstructions to the navigation of the White river, and the East and West forks thereof, from the confluence with the Wabash, to that point where said rivers have been declared by law navigable, and to examine the country between the Wabash and Erie canal and Ohio river, east of the Wabash, and as near to being central in this state as practicable, with a view to connect the waters thereof by a canal, and survey a route for the same, and furnish estimates of the expense of effecting the objects herein mentioned.

Resolved, That the governor of this state be requested to transmit a copy of this joint resolution, to each of our senators and representatives in the Congress of the United States.

CHAPTER CXXXIII.

A Joint Resolution on the subject of canal lands donated to Indiana by Congress.

[APPROVED, JANUARY 29, 1830.]

WHEREAS, The board of canal commissioners of Indiana, represent in their report of this year, to this general assembly, that by a division and selection of the alternate sections of land, on the margin of the Wabash and Erie canal route, within our boundaries, in conformity to an act of Congress, approved, March 2, 1827, and it has become known that 11,478 acres and 73 hundredths have been sold, and 14,690 acres have been permanently reserved by treaty to individuals, and 3,360 acres have been located by indi-

vidual grants, since the passage of said act, granting the alternate section as aforesaid to this state, and that 143 sections of the land donated by said act is found within Indian reservations, whose claim is not yet extinguished; all of which would have otherwise become state lands: therefore—

Resolved by the General Assembly of the state of Indiana, That our senators in Congress be instructed, and our representatives requested, to procure the passage of a law, to vest in this state, a quantity of land equal to the quantity sold and disposed of as aforesaid, to be selected by our canal commissioners, from the alternate sections reserved to the United States, in the division made under the act of Congress, before the said reserved lands be offered for sale, and to adopt such measures, in regard to the donated sections now in the Miami reservations, as may be deemed most advisable to secure to us the use and possession of the same, at as early a period as possible,

Be it further resolved, That the Governor be requested to transmit a copy of the foregoing resolution, to each of our senators and representatives in Congress.

CHAPTER CXXXIV.

A Joint Resolution of the General Assembly concerning the agent of the three per cent. fund.

(APPROVED JANUARY 29, 1830.)

Resolved by the General Assembly of the state of Indiana, That the agent of the three per cent fund, in the payment to James Ball, of two hundred and forty-six dollars as authorized by an act passed at the present session, shall in lieu of fifty-three dollars to be paid out of the sum heretofore appropriated on a certain state road, leading from the Highlands on White river, to Indianapolis, give said Ball an order for the sum of fifty three dollars, on Mr. Bradford, a former commissioner on a road from Washington in Daviess county to Indianapolis, and which is still in the hands of said commissioner.

This joint resolution shall be in force from and after its passage.

CHAPTER CXXXV.

A Joint Resolution relative to Deaf and Dumb persons in this state.

[APPROVED JANUARY 27, 1830.]

Be it resolved by the General Assembly of the state of Indiana, That it shall be the duty of the persons who shall take the next census within this state, to ascertain and return the number of deaf and dumb persons within the several counties; and that this enumeration be reported to the next general assembly, in the same manner that the number of polls generally shall be reported.

Resolved also, That his excellency the Governor be requested to correspond with the Governors of the adjoining states, and with such others as he may deem expedient, which have asylums for the deaf and dumb, in order to ascertain the expense of such establishments, and also the expense that would be incurred by sending persons thus afflicted resident within our state, to the asylums of other states for instruction.

CHAPTER CXXXVI.

A Joint Resolution allowing compensation to Philip Hedges, for distributing the Laws and Journals.

[APPROVED, JANUARY 29, 1830.]

Be it resolved by the General Assembly of the state of Indiana, That Philip Hedges, be allowed the sum of two hundred and twenty-four dollars, in full for what services he rendered in distributing the laws and journals of the last session of the general assembly, as also for distributing the acts of congress as required by law, and that the auditor of public accounts audit the same, and the treasurer pay the same, out of any money in the treasury not otherwise appropriated.

This joint resolution to be in force from and after its passage.

CHAPTER CXXXVII.

A Joint Resolution relative to a certain act of the legislature of Virginia.

[APPROVED, JANUARY 28, 1830.]

Be it resolved by the General Assembly of the state of Indiana, That it shall be the duty of the secretary of state, to

have the eleventh* section of the act of the commonwealth of Virginia, entitled "an act concerning the erection of the district of Kentucky, into an independent state," passed the 18th of December 1789, attached to, and published with the laws of this session.

CHAPTER CXXXVIII.

A Joint Resolution relative to a certain number of the acts of 1824.

[APPROVED JANUARY 30, 1830.]

Resolved by the General Assembly of the state of Indiana, That the secretary of state, be, and he is hereby directed to forward to each of the counties of Clinton, Elkhart and St. Joseph, ten copies of the acts of 1824, 5, 6, 7, 8, & 9, at the same time he distributes the laws of the present session.

Resolved also, That he forward to each county, for the use of the Probate judges thereof, one copy of the Revised code, of 1824, and a copy of the acts of each subsequent year up to the present.

This resolution to be in force from and after its passage.

SECRETARY'S OFFICE.

INDIANA, TO WIT:

I, JAMES MORRISON, Secretary of State, certify that I have compared the foregoing Acts and Joint Resolutions of the General Assembly of the state aforesaid, as printed, with the original rolls on file, and have found the same correct, with the exception of a few interpolations, marked [thus,] introduced to render the sense more complete.

In testimony whereof, I have hereunto set my hand and affixed the seal of said state, at Indianapolis, this nineteenth day of March, A. D. one thousand eight hundred and thirty, the fourteenth year of the state, and of the independence of the United States the fifty-fourth year.

JAMES MORRISON.

* The seventh section is supposed to be intended. The 7th & 11th sections will therefore be found in the appendix, and see also "jurisdiction," in page 34.

APPENDIX.

The following is a copy of the *seventh* section of an act of the commonwealth of Virginia, entitled "an act concerning the erection of the District of Kentucky into an independent state." (Passed December 18th, 1789.)

[See revised Laws of Virginia, 1st Vol. page 59; see also "Jurisdiction" ante page 84 and Joint Resolutions ante page 180.]

SEC. 7. "That the use and navigation of the river Ohio, so far as the territory of the proposed state, or the territory which shall remain within the limits of this commonwealth lies therein, shall be free and common to the citizens of the United States; and the respective jurisdictions of this commonwealth, and of the proposed state, on the river as aforesaid, shall be concurrent only with the states which may possess the opposite shores of the said river."

The following is a copy of the *eleventh* section.

SEC. 11. "This act shall be transmitted by the executive, to the representatives of this commonwealth in congress, who are hereby instructed to use their endeavours to obtain from congress, a speedy act to the effect above specified."

AUDITOR'S OFFICE, }
Indianapolis, December 5, 1829.

In obedience to the "act, concerning the Treasurer of State, and Auditor of Public Accounts," the following report of receipts and expenditures on account of the state of Indiana, is respectfully submitted.

There was remaining in the Treasury, on the 30th day of November, 1828, provided all claims audited to that date, were paid,

\$11,323 35

Since the above period there has been paid into the treasury, on account of balances due for the year

1822,	\$145 47
1823,	606 13
1824,	69 60
1825,	19 52
1826,	144 38
1827,	218 10
1828,	27001 86
1829,	2885 08
From collectors of revenue, for	
" Sales of lots in Indianapolis,	3053 81
" " " seminary lands,	4617 91
" " " lands mortgaged at loan office	271 50
" Loans of seminary money refunded,	496 84
" Interest on seminary fund,	1394 79
" Estates without heirs,	36 74
" Conscientious fines,	36 87
" Superintendent of French Lick,	25 00
Error in balance heretofore reported,	7 12
	41030 72

Making in all,

\$52354 11

Since the above period, there has been audited

For public printing and stationary,	\$2667 00
" Expenses of last general assembly, including pay of members, clerks and door keepers,	11599 82
Salaries of officers,	2300 00
" " " Supreme and Circuit judges,	5703 38
" Allowances to probate judges,	18 00
" Salaries of prosecuting Attorneys,	954 50
" " " Adj. & Qr. master generals,	206 25
On account of state seminary,	1942 07
" " " County seminaries,	20 25
" " " Canal fund,	1442 45
" " " Wabash and Miami canal,	1000 00
" " " Michigan road,	1828 64
" " " Seat of government,	2247 49
" " " Specific appropriations,	1612 91
" " " Electors of president, &c.	172 30
" " " State prison,	519 52
" " " State library,	56 18

" " " Wolf scalps,	546 50	
" " " Salt springs,	85 00	
Contingent expenses for 1829, per treasurer's report,	394 27	
Amount of loans of seminary fund including sales of mortgaged lands upon credit, Per treasurer's report	7070 00	\$42392 48
Making the total amount of expenditures, Which deduct from	\$42392 48	52354 11 \$9961 63

Leaves in the treasury on the 5th of December 1829, provided all claims audited to that date, have been paid, \$9961 63

The number of polls assessed in all the counties except Allen, (from which no return has been received) for 1829, is 484 54

The assessments from all the counties in the state (except Allen,) amount to \$37769 68

From which, deduct for delinquencies, commission, and other allowances, 6294 94

Will leave for the treasury, \$31474 74

Early in March last, the accounts of all the delinquent collectors, not previously sued, were forwarded to their respective counties for collection.

But a very small portion of them has as yet been collected and paid over. But from information received from the prosecuting attorneys, a greater amount will ultimately be secured than could have been reasonably expected.

Respectfully submitted,
MORRIS MORRIS, A. P. A.

TREASURY DEPARTMENT,

DECEMBER 10, 1829.

THE Treasurer, in obedience to the directions of the "act concerning the Auditor of Public accounts, and Treasurer of State, respectfully submits the following report of the Public Revenue and expenditure from December 1, 1828, to December 5, 1829.

Amount in the treasury Dec. 1. 1828,	\$11,348 01
Receipts from that period to 5th Dec. 1829.	
From taxes due for the year 1822,	\$145 47
" " " " " 1823,	606 13
" " " " " 1824,	69 60
" " " " " 1825,	19 52
" " " " " 1826,	144 38
" " " " " 1827,	218 10
" " " " " 1828,	27001 86
" " " " " 1829,	2885 08
" Sales of lots in Indianapolis,	3053 81
" " of seminary lands,	4617 91
" " of land mortgaged to loan office,	271 50
" Loans refunded,	496 34
" Interest on loans,	1394 79
" Adm'r of Th. Deccast, who left no heirs,	36 74
" Militia fines, 39th and 48th regiments,	36 87
" Superintendent of French Lick,	25 00
Total rec'ts,	41023 60
Making in all,	\$52371 61

Expenditures during the above period:

Contingent expenses	394 27
Printing and stationary,	2667 00
Pay and milage of legislature,	11499 32
Salaries of the judiciary,	5703 38
" " " Executive,	2138 95
" " " Prosecuting attorneys,	954 50
" " " Adj't. and quarter master generals,	206 25
Specific appropriations,	1618 91
Expenses of presidential election,	172 30
" State prison,	519 52
" State library,	63 63
" Probate judges,	18 00
" Premiums for wolf scalps,	355 50
" Michigan road,	1828 64
" Canal fund,	1442 45

Appropriation for Wabash and Miami canal,	1000 00
“ “ Salt springs,	85 00
Paid to county seminaries of militia fines,	20 25
Orders of trustees of Indiana College and allowances in relation to same,	1942 07
Salary of agent and appropriations for improvements at Indianapolis,	2247 49
Loans of seminary funds and consideration of a tract of mortgaged land sold on credit,	7070 00
Leaving in the treasury on the 5th Dec. 1829,	10123 68
	<hr/> 52371 61

The claims to which the treasury is liable, are as follows:

Out-standing warrants,	162 05
Salaries and special allowances not yet audited,	1363 00
Conscientious fines,	542 52
Pay of probate judges, (estimate,)	1000 00
Indianapolis fund,	3307 34
	<hr/> Making in all \$6974 91

Which deducted from the cash on hand, leaves \$3148 77 of old delinquencies and of the revenue of 1829, there will probably be paid during the next financial year, the sum of \$23,500, which, with the cash on hand, will make \$31,648 77 to meet the current expenditures of the year. The expenses of the last year, without taking into consideration the Indianapolis or College payments which are drawn from different sources, amount to \$30,983 37. The expenses of the ensuing year, will probably exceed that sum, as the pay of probate judges will be a heavy additional item. Should they amount to only \$31,000, there will be in the treasury on the 1st December, 1830, \$648 77.

The state revenue from the year 1822, to this time has arisen almost entirely from a tax on polls and land. During this period the taxable polls have increased from 28,500 to 48,500, and the taxable land from 1,874,710 acres to 3,595,177 acres. The increase was much larger in the years 1823 and 1824 than any which have succeeded, as may be seen from the following statement of actual receipts, calculating the revenue at the present rates:

Receipts for the revenue of 1822,	\$17,400 00
“ “ “ “ 1823,	20,315 00
“ “ “ “ 1824,	22,834 00
“ “ “ “ 1825,	24,395 00
“ “ “ “ 1826,	25,635 00
“ “ “ “ 1827,	27,091 98
“ “ “ “ 1828,	29,721 18
“ “ “ “ 1829, estimate	31,500 00

Judging from the past, the revenue of the state can hardly be expected to increase more than from fifteen to eighteen hundred dollars per annum. The increase in expenditure during the last seven years has been principally in the following items.

Legislative and printing about,	\$5000 00
Probate judges and wolf scalp bounties, about,	3500 00
	<hr/> Making \$8500 00

New occasions of expenditure will probably arise in the judiciary and other departments, so that a considerable surplus revenue is not soon to be expected.

Respectfully submitted,

SAML. MERRILL.

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